Allison Kirkelie Ziegler



Availability: Job Type: Permanent

Term

Work Schedule: Full-Time

Desired locations: US - NY - New York

US - CA - Los Angeles

US - CA - San Francisco

US - DC - Washington DC Metro Area

Work Experience: American Federation of Government Employees

04/2011 - Present

80 F St NW

Washington, DC 20001 US

Hours per week: 40

Legal Rights Attorney

Served as union counsel and independently managed all aspects of arbitrations representing federal employees in labor and employment law cases, including claims under the Fair Labor Standards Act. Researched and prepared opinions pertaining to labor and employment law.

Drafted approximately one half of the Union's proposed contract language as part of the contract negotiation team for the first collective bargaining agreement negotiations with the Transportation Security Administration.

Member of the Union's negotiation team for the first collective bargaining agreement negotiations with the Transportation Security Administration and occasionally served as lead in negotiations with the Agency.

Provided legal advice to union members on a wide variety of issues, including the Family Medical Leave Act, the Fair Labor Standards Act, requests to submit to polygraph examinations, contract issues, security clearances, workplace health and safety, overtime claims, and whistleblower rights.

American Federation of Government Employees 03/2009 - 04/2011

Los Angeles, CA US Hours per week: 35

Staff Counsel

Managed all aspects of over 40 employment related appeals from inception to completion before the Equal Employment Opportunity Commission, Merit Systems Protection Board, and the Transportation Security Administration's Disciplinary Review Board.

Solo chaired Merit Systems Protection Board hearing for an Individual Right of Action appeal under the Whistle blower Protection Act.

Prepared legal opinions on questions involving problems of statutory construction, novel questions of law, and agency regulations that govern TSA employees.

Researched issues pertaining to labor and employment law.

Conducted and defended depositions.

Conducted representational training for federal employees and union staff on grievance procedures,

Equal Employment Opportunity Laws, Whistleblower rights, and other legal and political issues.

Represented federal employees in employment related mediations.

Solely responsible for all client contact in over 40 cases.

Reviewed employment policies to ensure compliance with applicable laws and regulations.

Bonner Kiernan Trebach & Crociata 08/2007 - 04/2008

Salary:

Washington, DC US Hours per week: 15

Law Clerk

?Conducted research on cases involving insurance defense, Federal Employers Liability Act, civil procedure, workers' compensation, landlord-tenant law, toxic torts, and medical malpractice.

New York City Law Department 06/2007 - 08/2007 New York City, NY US Hours per week: 40

Summer Honors Program: Tort Division, Manhattan Trial Unit

?Conducted and defended depositions.

?Researched and wrote summary judgment and opposition motions with minimal supervision.

?Received offer of permanent employment

Judge Craig Iscoe, District of Columbia Superior Court

01/2007 - 04/2007

Washington, DC US

Hours per week: 15

Legal Intern: Criminal Division, Felony II

?Conducted research and prepared bench memoranda on sentencing, pleas, and constitutional

questions.

?Prepared advisory memos recommending disposition of pro se motions.

US Department of Justice 09/2006 - 12/2006 Washington, DC US Hours per week: 15

Legal Intern: Civil Division, Civil Frauds

?Researched and wrote memoranda for cases prosecuted under the False Claims Act.

?Evaluated and organized statutes by state for large scale qui tam litigation

Office of the Attorney General, District of Columbia 07/2006 - 08/2006 Washington, DC US Hours per week: 40

Legal Intern: Civil Litigation Division, Equity I

?Drafted summary judgment motion for disability class action claim against the District.

Education: Washington College of Law, American University

Washington, DC US Professional - 05/2008

GPA:

Relevant Coursework, Licensures and Certifications:

Moot Court Honor Society,

Niagara International Moot Court Competition

Best Team Memorial, 3rd Place Overall

- Moot Court problem concerned violations of the North American Free Trade Agreement (NAFTA) alleged by Canada and Mexico.

Moot Court problem dealt with whether the Western Hemisphere Travel Initiative and the Animal and

Plant Inspection Service user fees violate the United States' treaty obligations under the North American Free Trade Agreement and the General Agreement on Tariffs and Trade. Participating in this competition required that I conduct extensive research on a variety of international trade and public international law issues and then present my research in a written brief and in an oral argument. In addition to winning best brief, my team placed third overall in the competition. Summer Law Program, Chile and Argentina

- Course work devoted to private international law and international trade law with a particular emphasis on the free trade agreements between the U.S. and countries in Latin America.

Relevant Course Work:

Legal Aspects of Trade in Latin America

Public Employment Law

International Disputes Involving Sovereigns

Advanced Issues in International Trade, Trade and Development

Administrative Law

International Environmental Law



Languages: English

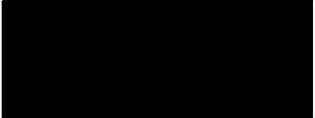
Spoken: Advanced Written: Advanced Read: Advanced

Reference	es:			
	-	-	81 SE 33 4 2	

Reference Type: Personal



Reference Type: Personal



Reference Type: Personal

Additional Information: Member of California State Bar

Member of New York State Bar

ANDREA RENEE PRIEST

WORK EXPERIENCE

Social Security Administration Office of Disability Adjudication and Review 801 East Main Street, Fourth Floor, Richmond, Virginia 23219
Attorney Advisor

September 2011- Present

Salary: 75,630.00 (GS 12) • Hours per week: 40

Duties, Accomplishments, and Related Skills:

- Researched, analyzed, and ensured decisional compliance with administrative laws, rules, regulations, policies, procedures, and legal precedents, including the Administrative Procedure Act and federal case law.
- Reviewed, analyzed, and interpreted medical and vocational evidence accompanying claims
 under Titles II and XVI of the Social Security Act, including interrogatories and testimony
 from medical and vocational experts, medical source statements, complex medical evidence,
 and earnings and income evidence.
- Advised administrative law judges on legal issues involved in claims at the hearing level in oral and written communications. Provided recommendations on legal and factual determinations.
- Drafted decisions on claims under Titles II and XVI of the Social Security Act, for
 jurisdictions in the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Federal
 Circuits.
- Consistently produced legally sound decision drafts, while timely processing cases.
- Independently managed an assigned decisional caseload, appropriately processing cases in accordance with agency policy.
- Interpreted Appeals Council directives and drafted decisions in determinations remanded from the Appeals Council and federal court.
- Prepared detailed training materials and led legal training in the Richmond hearing office.
- Assisted in the development of operational program technology as part of a pilot program regarding a web-based case management computer program. Provided feedback and recommendations regarding use and development of this tool to a national development workgroup within the agency. Participated in a presentation to a Deputy Commissioner at the Richmond hearing office regarding practical use of this tool at the pilot program level.

Supervisor: James Walsh

Hons. Leslie L. Lilley & H. Thomas Padrick, Jr., 2nd Judicial Circuit Court 2425 Nimmo Parkway, Virginia Beach, Virginia 23456

Law Clerk

September 2010- August 2011

Salary: 41,442.00 • Hours per week: 40

Duties, Accomplishments, and Related Skills:

- Researched and advised judges on legal matters before the court, including complex litigation, administrative agency appeals, and real property disputes.
- Composed letter opinions, orders, and bench memoranda.
- Prepared judges for hearings, sentencing proceedings, and bench and jury trials.
- Reviewed orders submitted to the court for legal sufficiency.
- · Communicated with attorneys on behalf of the court.

Supervisor: Amy Jones

Federal Communications Commission, Office of General Counsel 445 12th Street SW, Washington, D.C. 20228

Legal Intern

January 2010- March 2010

Uncompensated Student Internship • Hours per week: 16

Duties, Accomplishments, and Related Skills:

- Prepared research and memoranda interpreting and applying agency regulation on issues including agency programs and communications mergers.
- Assisted the litigation division in litigation involving the Commission, including appellate brief development.
- Investigated legal and policy issues associated with proposed regulation and agency action.

Supervisor: Diane Griffin Holland

Delaware Department of Justice
820 North French Street, Wilmington, Delaware 19801
ABA Janet D. Steiger Antitrust Fellow
May 2009-August 2009
Salary: 7,000.00 (Student Stipend) • Hours per week: 40

Duties, Accomplishments, and Related Skills:

 Assisted the Consumer Protection Division in multi-state litigation regarding unfair trade practices.

- Drafted an Attorney General's opinion, and documents involved in settlement negotiation and appeal.
- Engaged in the discovery process for multi-state actions, including document review.
- Participated in a statewide outreach program relating to mortgage and foreclosure fraud and predatory lending.

Supervisor: Ian McConnel

LeClairRyan

5388 Discovery Park Boulevard, Third Floor, Williamsburg, Virginia 23188 Legal Extern

September 2008- November 2008

Hours per week: 8

Duties, Accomplishments, and Related Skills:

- Constructed legal memoranda on land sales transactions and litigation, including litigation relating to land use and community association development.
- Assisted attorneys in preparation for all stages of litigation.

Supervisor:

Hon. Robert P. Frank, Court of Appeals of Virginia 109 North Eighth Street, Richmond, Virginia 23219 Judicial Intern June 2008- August 2008 Unpaid Student Internship • Hours per week: 40

Duties, Accomplishments, and Related Skills:

- Researched and analyzed appellate issues before the court.
- Constructed legal memoranda for cases on the appellate level and drafted judicial opinions.
- Observed appellate proceedings, including en hanc appellate hearings.

Supervisor: Hon. Robert P. Frank

BAR ADMISSION

Admitted to practice in Virginia (October 2010), active member in good standing in the Virginia State Bar

EDUCATION

William & Mary School of Law, Williamsburg, Virginia J.D., May 2010

G.P.A.

Honors and Activities

- · Graduate Research Fellowship
- · Honors in Legal Skills for three out of four semesters
- · Legal Skills Scholar Award
- Teaching Assistant, Legal Skills Program, 2009-2010
- Research Assistant for Professor Paul Marcus, 2008-2009



PUBLICATION

Andrea Priest, Note, Turning the Watchdog Into a Lapdog: Why the Proposed Newspaper Bailout is the Wrong Solution for a Failing Industry, 2 WM. & MARY BUS. L. REV. 401 (2011).

PROFESSIONAL RECOGNITION

Social Security Administration, monetary performance award, September 2014

COMMUNITY INVOLVEMENT

Young Executives at Heart - member of young professionals committee for the American Heart Association, Greater Richmond Chapter

REFERENCES



ANNE D. BERUBE

EDUCATION

George Washington Univ. Law School, Washington, DC, JD with Honors, May 1998

GPA: Class Rank:

Activities: The Environmental Lawyer: Articles Editor (1997-98); Member (1996-97);

Moot Court Board: Archivist (1996-97); Member (1997-98)

Publications: "Regulations for MACT Determinations Under CAA Section 112(g)," The

Environmental Lawyer, Sept. 1997

EXPERIENCE

Attorney Advisor, July 2002 - Aug. 2007

Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC. Supervisor: Benjamin Lammie, Office of Site Remediation Enforcement / OECA

Received Bronze Medal for work on OSRE's Aviall team; primary contributor to OSRE's Aviall intranet page and revised AOC model language. Acted as primary contact for questions on the Superfund Alternative Site (SAS) approach; co-leader of SAS evaluation; co-author of SAS evaluation results report; primary author of draft Technical Assistance Plan guidance. Acted as COR and alternate TOPO on Insurance Contract for Expert Support; provided insurance analysis case support for Regional cases. Acted as Region 2 liaison.

Associate, Sept. 1998 - July 2002

McKenna & Cuneo, LLP, 1900 K St. NW, Washington, DC

Supervisor:

Counseled clients and performed legal research on topics under RCRA, CWA, TSCA, CAA, and FIFRA. Assisted with internal company audit of FIFRA compliance under EPA's Audit Policy. Participated in defending complex toxic tort litigation; lead attorney on several plaintiff depositions and an expert witness deposition; defended depositions; assisted with drafting Daubert motions and motion in opposition to class certification; conducted direction examination at class certification hearing.

Summer Associate, May 1997 - Aug. 1997

McKenna & Cuneo, LLP, 1900 K St. NW, Washington, DC

Supervisor:

Legal research and writing in the areas of environmental, general business, and government contracts law.

Legal Intern, May 1996 - Aug. 1996

Office of the Solicitor, Dept. of the Interior, 18th C Streets NW, Washington, DC

Supervisor: Paul B. Smyth

Legal research and writing on topics such as: project use and preference power under the Reclamation Project Act and takings under the Migratory Bird Treaty Act.

BAR ASSOCIATIONS: Maryland (Dec. 1998 - present); DC (Aug. 1999 - present)

EGLANTINA ALVARADO ARNOLD

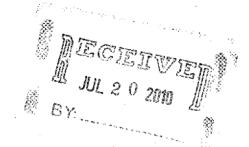
EDUCATION

Vermont Law School, South Royalton, Vermont

Juris Doctor, May 2007

- Vermont Journal of Environmental Law, Staff Editor 2006-2007
 - Student Note: Regulatory Innovation and Transformation among the States: A Survey of the Integration of Environmental Management Systems into Regulatory Schemes and the Texas Approach
- · VLS Moot Court Intramural Competition, Invited Participant





EMPLOYMENT

Special Counsel, Austin, Texas

Contract Attorney, February 2010-Current

 <u>Case Law Analysis</u>: Review and analyze current federal and state case law for new Bloomberg Law legal research engine with focus on regulatory cases. Includes creating "points of law" headnotes and research for seminal cases.

Kemp Smith, LLP, Austin, Texas

Associate, October 2007-September 2009

- Environmental Law: Assisted counsel with matters before the Texas Commission on Environmental Quality and the Environmental Protection Agency. Provided counsel and memoranda on various environmental issues including waste management, air quality, surface and groundwater quality, wastewater, natural resources.
- Administrative Law: Assisted the General Counsel in matters related to administration of groundwater conservation district including statutory authority, rulemaking, compliance and enforcement, policy, water law, open records, and matters before the Texas Legislature.
- <u>Litigation</u>: Managed multiple individual enforcement matters that required contact with violators, drafting correspondence, petitions, and settlements, and appearances in district court on pre-trial matters and default judgments. Served as counsel on regulatory and state licensing matters before SOAH. Draft appellate briefs.
- Research and Writing: Provided research and legal analysis on various legal issues and areas of law including environmental, administrative, energy/PUC, local government, constitutional, property, and election law.
 Prepared written materials for conferences and for publication related to water rights in Texas.

Vermont Law School, Environmental and Natural Resources Law Clinic, South Royalton, Vermont Clinician, Fall 2006

- <u>Litigation</u>: Worked as part of a team on a scientifically-complex RCRA citizen suit. Individual work included: preparation of written discovery, working with experts witnesses in preparation of expert reports and on-site investigation, and assistance with depositions of expert witnesses. Technical review and analysis of landfill application. Worked on other litigation matters related to Native American law, environmental justice, and endangered species litigation.
- <u>Training</u>: Participated in seminars regarding FOIA, expert witnesses, fee recovery, negotiation & settlements, depositions, and media relations.

Lloyd Gosselink Blevins Rochelle & Townsend, P.C., Austin, Texas

Law Clerk, Summer 2006

- Research and Writing: Researched and wrote internal memoranda for Air and Waste, Water, and Utility sections of the firm on various legal issues for public and private entities. Subject matter included CERCLA, Freedom of Information Act, Energy Policy Act, solid waste management and permitting, mineral rights, animal feeding operations, environmentally related tort litigation, Archaeology, property issues, pre-trial litigation, and various local government issues. Prepared papers/speeches on biodiesel, ethanol, groundwater, and ethics for local government officials.
- Administrative Law: Prepared client comments on proposed municipal regulations.

EGLANTINA ALVARADO ARNOLD

Lower Colorado River Authority, Austin, Texas

Law Clerk, Summer 2005

Research and Writing: Researched and wrote internal memoranda for legal department on a variety of
environmental matters, including water rights, administrative law, contracts, and employment law. Prepared
legislative summaries and evaluated applicability of new statutes from the 79th Texas Legislative Session relating
to employment law.

Senior Environmental Coordinator, March 2001 - April 2004

- Environmental Management: Independently prepared, implemented and managed ISO 14001 based
 Environmental Management Systems (EMS) for two major divisions. Responsibilities included: developing
 required procedures, identification of federal, state and local regulatory requirements, identification of
 environmental aspects, preparation of the annual environmental improvement program, conducting annual
 reviews, maintaining and updating EMS documents and communication and training of the EMS to management
 and staff.
- <u>Compliance</u>: Responsible for regulatory and EMS compliance for operations, utility infrastructure, and
 development projects, including: management of remediation projects and waste program, coordination of
 response to emergency spills, providing technical and regulatory assistance regarding regulatory issues, waste
 management, pollution prevention, green buildings, and environmental leadership initiatives.
- Environmental Stewardship: Served as contact for the green building program, utilizing the US Green Building Council Leadership in Energy and Environmental Design, and participated as the Green Building expert on an architectural selection committee for construction of an Environmental Learning Center.
- <u>Training</u>: Cross-trained (regulatory and field) to gain familiarity with natural and cultural resources, including endangered species and permitting.
- <u>Leadership</u>: Identified by co-workers and selected to participate in a year-long leadership training entitled
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Environmental Coordinator I and II, January 1998 - March 2001

- Environmental Assessment: Oversaw Environmental Site Assessment program and conducted ASTM standard Environmental Site Assessments (Phase I and II) to identify existing or potential environmental conditions on property prior to sale, acquisition, or development. Projects included water and wastewater treatment plants and lines, substations, commercial and undeveloped property. Provided soil, water and hazardous material sampling and analysis.
- <u>Project Management:</u> Worked on projects involving natural resources, endangered species, cultural resources
 conservation, protection, and permitting, including the identification of environmental risks associated with
 ongoing or proposed projects. Developed cost proposals and scopes of work for various environmental
 assessment projects.
- Environmental Management: Developed, reviewed, and revised Environmental Site Assessment procedures.
 Provided technical environmental and mapping assistance to environmental staff, as well as regulatory reviews and guidance for other internal constituents. Reviewed leases and other real estate documents for specific environmental language. Coordinated division waste and air management programs, including providing assistance on waste management contracts.

TechLaw, inc., Dallas, Texas

Staff Associate, February 1997 to December 1997

- Environmental Assessment: Performed Phase I Environmental Site Assessments and Transaction Screen
 Process Environmental Assessments, and evaluated clients' potential liability. Assessments included conducting
 interviews, site reconnaissance, regulatory agency data reviews, public document searches, oral history research,
 initiation of title searches, and review of cartographic sources, city directory research, evaluations of technical
 data, Texas Open Records Act requests, Freedom of Information Act requests, and preparation of reports.
- Sample and Data Collection: Conducted Phase II environmental sampling and data analysis of soil and water.
- Research: Conducted EPA Potentially Responsible Parties research.

ANTHONY A. AUSTIN

BAR ADMISSIONS

California (2011); Colorado (2012)

JUDICIAL EXPERIENCE

Colorado Court of Appeals

Denver, CO

Judicial Law Clerk to the Honorable Diana L. Terry

August 2012 - August 2013

Drafted opinions on cases involving various civil and criminal law matters, including issues of first impression and constitutional matters. Researched and analyzed numerous complex statutory and regulatory issues, requiring statutory interpretation. Wrote memoranda recommending the resolution and reasoning of pending cases.

United States District Court, Northern District of California

San Francisco, CA

Judicial Extern to Magistrate Judge Edward Chen

January – April 2010

Wrote bench memoranda and orders on a motion to transfer venue and an express preemption issue. Conducted additional research assignments involving the Social Security Act, a motion to compel physical examination, and the Colorado River abstention doctrine.

PROFESSIONAL EXPERIENCE

Fennemore Craig, P.C.

Denver, CO

Associate

March 2014 - Present

Kennedy Childs P.C. (dissolved and merged, in part, with Fennemore Craig, P.C.)

Denver, CO

September 2013 – February 2014 Associate

Defend health care providers, hospitals, and long-term care skilled nursing facilities in malpractice suits, state board matters, and Section 1983 actions. Draft various motions and pleadings, including motions to dismiss, motions to strike, answers to complaints, various response motions, and discovery motions. Conduct discovery and fact investigation, including interviewing witnesses, clients, and experts involved in the action; draft initial disclosures and requests for discovery; and confer with opposing counsel to get more complete responses from their clients. Attend and defend depositions of clients and expert witnesses. Engage in settlement negotiations to achieve the resolution of pending matters. Research distinct legal issues and various areas of healthcare law, and draft memoranda on findings.

U.S. Environmental Protection Agency, Region VIII, Office of Regional Counsel

Denver, CO

Law Clerk

January – April 2012

Analyzed draft state and tribal legislation and regulations regarding environmental programs to ensure compliance with federal laws and regulations. Researched and wrote memoranda on potential administrative challenges to an agency investigation on hydraulic fracturing, issues relating to a citizen's petition to a Title V/PSD operating permit, and radon safety standards for agency personnel in inactive mines.

Earthjustice, Rocky Mountain Regional Office

Denver, CO

Law Clerk

August – December 2011

Drafted portion of a reply brief for a motion for summary judgment in an R.S. 2477 right-of-way case. Drafted and helped prepare portion of an appeal brief challenging the expansion of the West Elk coal mine in the Gunnison National Forest. Provided research and memoranda on numerous legal issues involving the ESA, NEPA, NHPA, and APA in several district court and Ninth Circuit briefs.

Environmental Law & Justice Clinic at GGU School of Law

San Francisco, CA

Law Student Clinician

January – April 2011

Researched energy efficiency and energy storage issues for the 2010 Long Term Procurement Plan proceeding at the California Public Utilities Commission. Prepared written testimony on various energy procurement

matters in the LTPP proceeding. Co-authored a prehearing conference statement on energy procurement to be considered by the CPUC. Drafted and submitted discovery requests to other parties in the proceeding.

Earthjustice, California Regional Office

Oakland, CA

Summer Law Clerk

May - August 2010

Researched several appellate issues in a CEQA challenge to the Chevron oil refinery expansion project. Researched numerous NEPA issues in an action contesting a national forest travel management plan. Conducted additional research on various CEQA, NEPA, ESA, and state and federal attorney's fees issues. Authored memoranda explaining research findings and suggesting potential legal theories.

California Attorney General's Office, Natural Resources Law Section

San Francisco, CA

2009 ABA Diversity Fellow in Environmental Law/Summer Honors Program Legal Intern June - August 2009 Drafted a motion for demurrer and opposition to augment the record in an underground petroleum storage tank cleanup action. Conducted additional research involving California environmental, civil, and administrative law issues. Produced memoranda explaining research results.

EDUCATION

University of Denver Sturm College of Law

Denver, CO

Master of Laws, Environmental and Natural Resources Law and Policy, GPA:

May 2012

Honors: Outstanding Environmental and Natural Resources LLM Student (for highest GPA)

Golden Gate University School of Law

Juris Doctor, Highest Honors

May 2011

San Francisco, CA

Rank:

Honors: Faculty Award for Academic Excellence in Environmental Law; Jesse W. Carter Honor Society

Activities: Golden Gate University Environmental Law Journal, 2010 Symposium Edition Editor

2011 National Environmental Law Moot Court Competition, Moot Court Team Member

Environmental Law Society, President

PUBLICATIONS

Where Will All the Waste Go?: Utilizing Extended Producer Responsibility Framework Laws to Achieve Zero Waste, 6 GOLDEN GATE U. ENVTL. L. J. 221 (2013).

Proceedings of the 2011 California Water Law Symposium, The End of Paper Water: Natural Limits, Unlimited Demands and Reliable Supply, CENTER ON URBAN ENVIRONMENTAL LAW AT GGU SCHOOL OF LAW (co-ed., 2011).

Conservation of What? An Introduction to the Issue, 4 GOLDEN GATE U. ENVTL. L. J. 1 (co-authored, 2010).

ADDITIONAL ACTIVITIES & MEMBERSHIPS

CBA Environmental Sustainability Program Committee, Outreach Committee Chair

Thompson G. Marsh Inn of Court, Member

Colorado Bar Association/Denver Bar Association, Member

Dora Moore Elementary School, Volunteer After-School Tutor

Children's Hospital Colorado, Volunteer

Barbara Lynn Jaffe (Scarford)



Highest Grade: GS-0905-13, 01/2010-Present Contact Current Employer: Contact me first

AVAILABILITY

Job Type:

Permanent

Temporary

Term

Detail

Temporary Promotion

Federal Career Intern

Work Schedule:

Full Time

DESIRED LOCATIONS

US-DC-Washington/Metro

US-MD-Baltimore

US-VA-Fairfax/Manassas/Reston

US-DC

US-MD-Montgomery County

US-VA-Alexandria

US-VA-McLean/Arlington

US-MD-Prince George's County

US-MD-Columbia

WORK EXPERIENCE

Federal Labor Relations Authority

Washington, DC

US

1/2009 - Present Grade Level: GS 13

Salary: 89033.00 USD Per Year

Hours per week: 40 Attorney Advisor, 0905

review and research cases appealed to the Federal Labor Relations Authority by agencies and unions in the Federal sector, draft case memorandum and decisions, research relevant case law regarding exceptions to arbitration decisions, unfair labor practices, negotiability appeals, and other relevant areas of law, assist in preparation of training materials, assist with post petition conferences in negotiability appeals cases, assist in mediation of negotiability disputes

Office of Compliance Washington, D.C.

US

7/2007 - 1/2009

Grade Level: GS comparable Salary: 61,127 USD Per Year

Hours per week: 40 Staff Attorney, 0905

Staff attorney with the Office of the General Counsel of the Office of Compliance administering the Congressional Accountability Act to apply various labor laws to the legislative branch. Work with Occupational Safety and Health Cases and Labor/Management Relations Cases prior to filing through to closure or issuance of citation, follow citations through to closure or complaint, follow complaint through process of the settlement agreement. Investigate claims as filed by covered employees and research applicable laws to determine the scope of the claim and coverage under the claim, facilitate mediation of claims and further discussion between parties towards settlement.

Mayor's Office of Labor Relations

New York

US

8/2006 - 7/2007

Salary:

Hours per week: 50

Assistant General Counsel

Primary Duties: represent various city agencies in labor arbitration proceedings (including the New York City Fire Department and the New York City Police Department and other civilian and uniformed groups), witness preparation, develop case strategy, write briefs, develop legal arguments, respond to improper practice petitions, file and respond to certification petitions (accretions, amended

certification, voluntary recognition, and represent sessions, advise the city negotiators on labor iss Contact Supervisor: Yes Supervisor's Name: Supervisor's Phone:	station), respond to injunctions, attend bargaining sues, and serve as a Step III hearing officer
Richard V. Rappaport & Associates	
Garden City	
US	
8/2005 - 1/2006	
Salary:	
Hours per week: 16	
Law Clerk	
Draft legal memorandum, research employment	issues, draft interrogatories, notices to produce and
other documents pertaining to employment discr	imination litigation
Contact Supervisor: Yes	
Supervisor's Name:	
Supervisor's Phone:	
United Mine Mary Co.	
United Mine Workers of America, International L	Jnion
US	
5/2005 - 8/2005	
Salary:	
Hours per week: 35	
Law Clerk (in-house legal department)	
research relevant cases interact with Local Unio	w election procedures, draft internal memorandum, n personnel, develop collective-bargaining materials,
and draft position papers	ri personner, develop collective-bargaining materials,
Contact Supervisor: Yes	
Supervisor's Name:	
Supervisor's Phone:	And Markey of Shake the Stewart of
National Labor Relations Board, Region 2	
New York	
US	
8/2004 - 1/2005	
Hours per week: 16	

Legal Intern

take affidavits, research case law, prepare and serve subpoenas, draft recommendations, develop case documents, assist caseworkers with caseloads and all aspects of charges filed, and make preliminary recommendations for case resolutions

Contact Supervisor: Yes

Supervisor's Name: Pamela Reinertsen - Supervisory Compliance Officer

Supervisor's Phone:

EDUCATION

Hofstra University School of Law Hempstead, New York US

Doctorate, 5/2006

Major: Labor and Employment Law

Relevant Coursework, Licensures and Certifications:

Hofstra University School of Law, (Fall 2004-Spring 2006) - Juris Doctorate

Jonathan Falk Memorial Scholarship Award (2004-05 and 2005-06)

Labor and Employment Law Concentration

Public Service Certificate

Related coursework included: Administrative Law, Alternatives to Litigation, Advanced

Mediation, Employment Discrimination Law, ERISA/Pension Benefits, Health Law,

Internal Union Affairs, Labor Law, Public Sector Labor Law, and Strikes, Pickets, Boycotts, and Injunctions



JOB RELATED TRAINING

Post Petition Conference Training

Interest-Based Bargaining

FMCS Mediation/Arbitration Training

Train the Trainer

Mediation Training

Advanced Legal Writing

ABA Federal Sector Labor & Employment Law Section Training

National Academy of Arbitrators Training

LANGUAGES

English

Spoken: Advanced

Written: Advanced

Read: Advanced

Spanish

Spoken: Novice

Written: Novice

Read: Novice

AFFILIATIONS

American Bar Association/Law Student Division 2nd Circuit Executive Lieutenant Governor

American Bar Association/Labor and Employment Law Government Fellow

REFERENCES

Reference Type: Professional



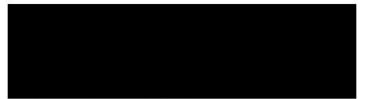
Reference Type: Professional



Reference Type: Personal



Reference Type: Professional



Reference Type: Professional



Reference Type: Professional

ADDITIONAL INFORMATION
September 2009 Performance Award

SHANE E. BARTEE

INFORMATION

Shane E. Bartee, Lieutenant Colonel, United States Army; age 42; licensed at bar by the Maryland State Bar Association. Currently pursuing Missouri and Kansas bar licenses.

Job: Attorney (Criminal Enforcement) GS-905-14, 10-23-31-CNSI

CRIMINAL LAW EXPERIENCE

Prosecuting Attorney—responsible for prosecuting criminal offenses committed by military servicemembers.

- Responsible for drafting charges by applying federal law to the facts of a particular case.
- Responsible for drafting charges under the Assimilative Crimes Act which entailed assimilating state law into the Uniform Code of Military Justice for prosecution at the federal level.
- Responsible for drafting charges for offenses not covered by the Uniform Code of Military Justice in which we incorporate federal law into an article of the Uniform Code.

Special Assistant U.S. Attorney—responsible for prosecuting criminal offenses committed by civilians on the federal military installation.

- Responsible for charging decisions on prosecuting misconduct by civilians on the Fort Leonard Wood federal military installation.
- Responsible for disposing of all criminal misconduct, to include major traffic offenses, all classes of misdemeanors, and feionies.

Chief of Criminal Law / Senior Prosecutor—responsible for supervising five prosecuting attorneys and advising two special court-martial convening authorities on the disposition of hundreds of criminal cases.

 Additionally responsible for shepherding cases from completion in court, through the transcription of the record, to filing the case with the appellate courts.

Staff Judge Advocate / Deputy Staff Judge Advocate-responsible for advising a general court-martial convening authority on criminal case disposition and charging decisions.

- Provides oversight to several prosecutors and the chief of criminal law on charging decisions and appellate matters.
- Provides advice, counsel, and subject matter expertise to the commanding general on all criminal matters.

POSITION HISTORY

1999-2010 U.S. Army Judge Advocate General's Corps

Staff Judge Advocate, Fort Stewart and Hunter Army Airfield, Georgia (2009-present)

Senior attorney for the Fort Stewart & Hunter Army Airfield installations, providing legal services to a client population of more than 100,000.

Senior legal advisor to the commanding general, Fort Stewart & Hunter Army Airfield.

Responsible for all legal actions on both installations, to include contract law, labor & employment law, environmental law, tort law, consumer law, and criminal law.

Supervises 25 attorneys and 30 paralegal and support personnel.

Criminal law – oversees a department of seven prosecutors and associated paralegals in criminal law matters in one of the two husiest Army criminal law jurisdictions; involved in plea bargaining with civilian and military counsel in a wide-range of criminal law matters from petty theft and desertion to rape and murder.

Employment law – personally responsible for hiring numerous government employees in accordance with all applicable titles of the US. Code and government regulations; oversees a department that provides legal advice and expertise for a government agency employing more than 1,000 civilian personnel; actions include EEO fact-finding conferences, union arbitration hearings, and all other aspects of federal employment law.

Health law — oversees a department responsible for legal advice to a full service hospital; advises the hospital administration in matters related to credentialing, the Health Insurance Portability and Accountability Act, and a host of other legal issues.

Environmental law – oversees a department responsible for ensuring the federal installation operates in accordance with environmental regulations and policies and advises on environmental matters, to include environmental impact statements, wetland bank issues, etc.

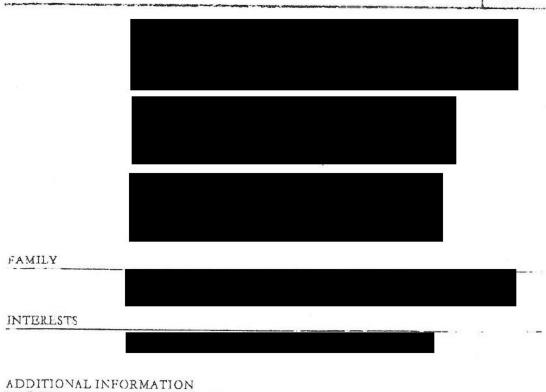
Contract law — oversees a legal department that ensures all government contracting policies and bid proposals, offers, etc., are legally sufficient and withstand potential bid protests.

Consumer law – oversees a section of attorneys and paralegals that assists soldiers and family members with a wide range of estate planning, probate actions, and consumer law issues.

Legal Observer/Trainer, Battle Command Training Program, Fort Leavenworth, Kansas (2007-2009)

Responsible for training legal personnel for deployment to Iraq and Afghanistan.

Supervised two fellow senior attorneys.



Further references and supporting documentation available upon request

REFERENCE LISTING

Director, J-1

100 Joint Staff

703-693-6098

Washington, D.C., 20318

and Germany, 2003-2005)

Walter.golden1@us.army.mil

For whom I have worked (superiors):

Brigadier General (Promotable) Jeffrey E. Phillips Commander, Fort Stewart & Hunter Army Airfield 942 Dr. Ben Hall Place Fort Stewart, GA 31314 912-767-7000 Jeffrey e.phillips@us.army.mil (I am currently BG Phillips' legal counsel)

Colonel Michael E. Mulligan

Chief, U.S. Army Government Appellate Division 901 North Stuart Street Arlington, VA 22203 703-696-0252

Michael.mulligan@us.army.mil

(My former boss (2005-2006)—Colonel Mulligan was the chief prosecutor in *United States v. Akbar* and is currently the senior legal advisor to the prosecution in the Fort Hood shooting investigation.)

With whom I have worked (peers):

Lieutenant Colonel John Rothwell (2003-present)
Chief, Administrative Law, United States
Southern Command, Miami, FL
305-437-1305
John.rothwell@hq.southcom.mil

Mr. Cary Collins (2009-present)
Senior Tort Attorney, Fort Stewart, CA
912-767-1062
Cary.collins@conus.army.mil

Brigadier General Walter M. Golden, Jr.

(I was BG Golden's legal counsel while in Iraq

Command Sergeant-Major Claudia Turner (2009-present) CSM and Senior Paralegal, U.S. Army Reserve Legal Command 678-642-7537 claudiaLturner@bellsouth.net

Who have worked for me (subordinates):

Major Teresa Phelps (2005-present)
Staff attorney, U.S. Army Medical Command
703-232-5603
Teresa.t.phelps@gmail.com

Mr. Michael Brown (2009-2010) Private Practice

Butler, Snow, O'Mara, Stevens, & Cannada, PLLC 601-948-5711

Michael lee.brown1@us.army.mil

Mr. Robert W. Gleason (2009-2010)

Assistant United States Attorney for the Western
District of North Carolina
704-996-7473
Robert gleason@usdoj.gov

STANLEY A. BUZZELLE III

BAR MEMBERSHIP:

Admitted to the Maryland State Bar on January 6, 2011

EDUCATION:

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL, Washington, D.C.

LL.M. in Environmental Law and Government Procurement, May 2012

GPA:

BARRY UNIVERSITY SCHOOL OF LAW, Orlando, FL

J.D., cum laude, May 2010

GPA:

NEPA:

Honors:

Barry Law Review, Senior Associate Editor

Florida Bar Foundation, Barry Achievement in Civic Excellence Fellowship

Book Award, Government Contracts

Activities:

Panel Chair, First Annual Environmental Justice Summit

Faculty/Student Committee to create the Environmental and Earth Law Journal

Environmental Law Society member

EXPERIENCE:

US Environmental Protection Agency
ORISE Fellow for the Office of Environmental Justice

Washington, D.C. June 2012 - present

- Member of the Community of Practice sub-committee for the Federal Interagency Working Group on Environmental Justice's (EJ IWG) NEPA Committee, an inter-agency effort to develop a compilation of analytic methodologies for efficiently, and effectively conducting environmental justice (EJ) analyses in National Environmental Policy Act (NEPA) review documents.
- Drafted a publically available inter-agency compendium of EJ and NEPA resource documents housed on EPA's EJ
 IWG webpage on behalf of the EJ IWG NEPA Committee. Drafted an abbreviated version housed on EPA's Office of
 Federal Activities' webpage. Also, assisted with drafting a lexicon of terms in common usage by NEPA practitioners
 conducting EJ analyses on behalf of the EJ IWG's NEPA Committee.
- Conducted evaluations of and draft comments on the EJ analysis component in NEPA reviews, pursuant to Clean Air Act Section 309, including analysis of disproportionately high and adverse human health, environmental, and related social, cultural, and economic impacts to minority, low-income, and tribal populations.
- Engaged in both intra- and inter-agency coordination to address issues related to EJ analyses in NEPA reviews.
- Conducted legal (statutory, regulatory, case law) and policy research and analysis related to both NEPA and EJ issues.
- Assisted EPA's Office of Federal Activities with content identification and evaluation for their EJ NEPA webpage.
- Member of inter-agency Integration of HIA into NEPA Work Group, which engages in cross-agency efforts to
 integrate Health Impact Assessments (HIA) into the NEPA process through sharing of best practices, collaborative
 problem solving, and use of case studies.
- Member of the former Smart Growth Work Group, an intra-agency effort to promote the use of smart growth concepts within the NEPA process.

EJ Legal Tools:

Assisted in the development of an EPA-internal repository of examples related to Plan EJ 2014's EJ Legal Tools
document, in order to showcase the use of legal authorities by the agency to advance environmental justice issues.
Drafted and evaluated examples for the repository. Assisted in developing a SharePoint site to house examples.

Rulemaking:

Member of the former intra-agency Environmental Justice in Rulemaking Work Group tasked with making
recommendations on the integration of environmental justice considerations in regulatory development. Assisted in
drafting two reports: 1) Review of Methods and Data in EJ Analyses of EPA Regulations; and 2) Overcoming
Barriers: Achieving Environmental Justice Results in Rules and Rule Implementation.

Member of the Office of Environmental Justice (OEJ) rulemaking team tasked with identifying, analyzing, and
tracking proposed agency rulemaking actions as they progress through the regulatory development process. Engage
with various rulemaking work groups to assist in addressing concerns with a rule's EJ analysis.

Other Activities:

- Assisted the Office of Federal Activities in identifying best practices related to addressing potential impacts on communities with EJ concerns from mountain-top mining. Instrumental in the inclusion of a human health and welfare factor in the Office of Water policy on requesting EPA Headquarter coordination with Regions during the Clean Water Act 404(b)(1) Guidelines permitting process for mountain-top mining activities.
- Engaged the Office of Civil Enforcement regarding incorporation of EJ concerns into the agency's Supplemental Environmental Project (SEP) Policy. Commented on proposed revisions to the SEP Policy as they relate to EJ.
- Regularly brief OEJ after conducting legal and policy research and analysis on issues relevant to EJ concerns for NEPA and other environmental statutes (e.g., CWA, CAA, FIFRA, SDWA); EJ analyses; rulemaking activities; mountain-top mining activities; and SEPs.

US Environmental Protection Agency

Washington, D.C. January 2011 - June 2012

OECA Honors Law Clerk for the Office of Environmental Justice

Assisted in developing an OEJ template to standardize EJ analyses in NEPA reviews.

- Conducted evaluations of and drafted comments on the EJ analysis component in NEPA reviews, pursuant to Clean Air Act Section 309, including evaluation of disproportionately high and adverse human health, environmental, and related social, cultural, and economic impacts to minority, low-income, and tribal populations.
- Assisted with comments and edits to the Office of Federal Activities' draft report, Federal Agency Practices in Implementing the Requirements of Executive Order 12898 on National Environmental Policy Act (NEPA) Environmental Impact Statements (EISs).
- Drafted NEPA Authorities Advancing EJ, a compilation of Council for Environmental Quality NEPA regulations of particular interest to practitioners when conducting the EJ analysis component in a NEPA review document.
- Drafted memo analyzing the available regulatory opportunities in the Clean Water Act's Section 404(b)(1) Guidelines
 and the Army Corps of Engineer's Public Interest Review to address EJ concerns during the mountain-top mining
 permitting process for valley fills.

US Department of Energy

Washington, D.C.

Law Clerk for the Office of the Assistant General Counsel for Labor

September 2010 - December 2010

Researched and wrote legal memoranda concerning wage determination issues surrounding American Recovery and Reinvestment Act (ARRA) projects. Applied the Davis-Bacon Act, the Service Contract Act, the Federal Acquisition Regulations, the Contract Work Hours and Safety Standards Act, as well as Department of Energy and Department of Labor regulations and guidelines to specific questions arising from ARRA-funded smart grid, and solar projects.

Barry University Earth Advocacy Clinic

Environmental Clinic Internship

Orlando, FL May 2009 - May 2010

- Drafted comments to the Florida Dept. of Environmental Protection for a proposed remedial action plan for toxic cleanup of contaminated groundwater and soil located in Tallevast, FL (a community with EJ concerns).
- Drafted memo addressing specific legal violations of the Florida Risk Based Corrective Action statute regarding the removal of Beryllium and TCE contamination from groundwater in Tallevast, FL.
- Drafted memo discussing the legal avenues (e.g., RCRA, CERCLA, federal agency guidelines) for addressing vapor intrusion pathways into homes in Tallevast, FL.
- Drafted memo analyzing federal and state statutes, regulations, and guidelines for removal of dense nonaqueous phase liquid (DNAPL) from interconnected aquifers below Tallevast, FL.
- Drafted memo on institutional and engineering controls for soil contamination in Tallevast, FL.
- Drafted Florida Division of Administrative Hearings petition challenging an inadequate remedial action plan for the removal of contaminants from the underlying aquifer system and soil in Tallevast, FL.

WildLaw

Environmental Law Internship

St. Petersburg, FL May 2009 - August 2009

- Conducted FOIA document survey and analyzed findings. Drafted two FOIA petitions to the U.S. Dept. of Interior regarding an endangered species critical habitat exclusion.
- Drafted report for the National Forest Foundation's Wilderness Stewardship Challenge regarding acid deposition testing in Florida wilderness areas.

ANDREA M. CARRILLO

October 1, 2009

Ben Harrison Office of Regional Counsel U.S. Environmental Protection Agency, Region 6 1445 Ross Avenue, Suite 1200 Dallas, Texas 75202

Dear Mr. Harrison:

As a law school graduate, December 2008, from Lewis and Clark Law School and current candidate for the Texas State Bar, I am applying for the Attorney position in the Air Enforcement Division for Region 6.

I am dedicated to focusing my career in environmental law for the public interest, utilizing both my scientific and legal knowledge. I believe that my clerking and volunteer experience, highlighted in my resume, in environmental and climate change fields has prepared me to excel at this position. I have gained extensive experience in administrative and environmental law through working on projects spanning from national and regional climate change law to protection of old-growth forests. My undergraduate degree focused on both the precise technicals of zoology and the over-arching ecology of environmental studies. Research experience was a key component of that education; of note, a grant research project, and ornithological research for which I received the Best of Seminar Award. I found my technical knowledge and experience a great asset in my past intern experience working for U.S. EPA in the hazardous waste branch, and would love the opportunity to build off my past experience. The Region 9 office re-inspired me in my career path, and was rich in mentoring and valuable experience.

As my resume indicates, I have a very strong background in research and writing. Both my scientific and legal experience have taught me the importance of efficient research, concise writing, and focus on the audience. My first year law school appellate moot court experience taught me the importance of persuasive voice and clarity in presentation, and I received honors for my appellate brief. Volunteering for Judge Marilyn E. Litzenberger re-emphasized to me the importance of clear, consise, and persuasive writing. This position would allow me to continue to grow as a young lawyer in the field I am dedicated to, while allowing me to excel through application of my past experience and knowledge.

I sincerely appreciate the time you have taken to review my qualifications. I would greatly enjoy the opportunity to discuss my experience and interests with you. I would also happily provide references or other materials upon request. Thank you for your consideration.

Sincerely,

Andrea M. Carrillo

Mahua Cinilla

NDREA M. CARRILL >

CANDIDATE, TEXAS STATE BAR, JULY 2009

EDUCATION

Lewis & Clark Law School

Portland, Oregon December 2008

Juris Doctor with Environmental & Natural Resources Certificate

GPA:

Honors: Pro Bono Awards; Scholars List; First Year Moot Court Appellate Brief Honors; Natural Resources Scholarship; Jack Rogers Animal Law Scholarships; Environmental Law Review Certificate of Outstanding Achievement.

Activities: Associate Editor, Environmental Law Review; Co-Chair and Sustainable Business CLE Co-Organizer, Student Advocates for Business and Environmental Responsibility; Pro Bono Coordinator, Student Animal Legal Defense Fund; Volunteer, Animal Legal Defense Fund; Volunteer, Northwest Environmental Defense Center; Volunteer,

Lighthouse Farm Sanctuary; Volunteer, Cat Adoption Team; Volunteer, Northwest VEG.

RELEVANT WORK EXPERIENCE

The Honorable Marilyn E. Litzenberger, Multnomah County Courthouse Pro Bono Law Clerk

Portland, Oregon February 2008-April 2008

Researched and drafted bench memoranda, and attended trials.

California Department of Justice, Attorney General's Office, Land Law Division Legal Extern

Los Angeles, California September 2007–December 2007

- Researched, wrote legal memoranda, drafted court documents, and advised attorneys on diverse subjects, including stipulated judgments, carbon sequestration, attorney-client privilege, administrative record, and discovery documents.
- Attended settlement negotiations, trials, and California Coastal Commission hearings.

Sierra Club Environmental Law Program

San Francisco, California

Summer Pro Bono Legal Clerk

Summer 2007

- · Researched, wrote legal memoranda, and advised attorneys on administrative rulemaking notice, reopening, and exhaustion of remedies requirements, as well as national energy corridor designation law.
- Researched and drafted commenting on federal approval of a portion of Florida's state implementation plan under the Clean Air Act and Florida Electrical Power Plant Siting Act; and on national interest electricity transmission corridor designations.
- · Researched and drafted reply brief for administrative notice and exhaustion of remedies issues in the forest plan revision context under the Administrative Procedure Act, National Forest Management Act, and National Environmental Policy Act.

Lewis & Clark Law School, Distinguished Environmental Scholar Errol Meidinger Research Assistant

Portland, Oregon April 2007-August 2007

Researched and compiled a database of Forest Service and National Environmental Policy Act cases over the past ten years.

CRAG Law Center

Portland, Oregon

Pro Bono Legal Clerk

September 2006-April 2007

- Drafted summary judgment brief for environmental procedural and substantive claims in the post-fire logging context.
- Researched and drafted petitions for review of state agency orders concerning Measure 37 land use claims.
- Researched and wrote memoranda on legal arguments under the Endangered Species Act, Resource Conservation and Recovery Act, National Environmental Policy Act, Equal Access to Justice Act, takings law, and civil procedure rules.

Environmental Protection Agency, Region IX

San Francisco, California

Summer 2006

Summer Legal Clerk, Office of Regional Counsel

- Researched and drafted summary judgment brief, unilateral administrative order, administrative settlement agreements, information requests, penalty justification memoranda, administrative order approval and justification memorandum, cost recovery memoranda, and lien justification memorandum for administrative enforcement cases under hazardous waste laws.
- Researched, wrote memoranda, and advised attorneys on piercing the corporate veil; arranger liability in corporate structure; ethical rules concerning confidentiality; and agency enforcement of access authority under Comprehensive Environmental Response, Compensation, and Liability Act, National Contingency Plan, and applicable guidances.
- Attended settlement negotiations between federal and state agencies and potentially responsible parties.
- Interviewed and worked with On-Scene Coordinator and civil investigator clients to compile case facts.

INTERESTS

EDUCATION

University of San Diego School of Law, San Diego, CA

Juris Doctor, May 2009 GPA:

Honors:

San Diego Law Review, Executive Editor

Honors, Lawyering Skills I (Legal Research and Writing) Seltzer Caplan McMahon Vitek Scholarship (2008-2009)

BP Foundation Scholarship Recipient, Scholarship Foundation of Santa Barbara (2007-2009)

CALI Award (recognizing highest grade in class), Election Law, Spring 2009

Activities:

Institute on International & Comparative Law: Univ. of Barcelona; College of Law of England & Wales

Energy Policy Initiatives Center (EPIC), Research Assistant, Specialization in Clean Technology

EXPERIENCE

DLA Piper, San Diego, CA

Contract Attorney

August 2010 - Present

Assisted with complex litigation involving remediation of contamination in a large firm setting. Reviewed documents for responsiveness and privilege. Strategized with team regarding case management and prepared documents for production.

Friends of San Ysidro Road, Santa Barbara, CA

Legal Advisor

August 2009 - July 2010

Effectively represented advocacy group in administrative hearings regarding the installation of a federally-mandated infrastructure project. Negotiated with County of Santa Barbara and reviewed CEQA categorical exemptions.

Ebbin Moser & Skaggs, LLP, San Diego, CA

Legal Intern

September 2008 - April 2009

Researched National Marine Fisheries Service listing determinations and Endangered Species Act violation decisions involving water consumption and drafted legal memoranda based on findings for continuing legal education seminars.

U.S. Department of Justice, Environment and Natural Resources Division, Washington, D.C.

Law Clerk

Summer 2008

Researched substantive federal environmental enforcement issues, including CERCLA passive soil migration of contaminants. Drafted complaints, stipulated orders, and executive order demand letters to responsible polluting parties for Clean Air Act litigation packages. Participated in litigation strategy sessions and section meetings.

San Diego Coastkeeper, Environmental Law and Policy Clinic, San Diego, CA

Legal Intern

Spring 2007

Managed existing and prospective cases, drafted correspondence to city officials, and extensively researched pressing environmental law and policy issues for position papers. Monitored and analyzed state water quality legislation.

Mullen & Henzell, LLP; Allen & Kimbell, LLP, Santa Barbara, CA

Legal Secretary

December 2004 - August 2006

Coordinated workflow for active trust and estate planning departments and assisted partners and senior staff by preparing and modifying documents for client execution and through effective client communication.

Covington & Burling, Washington, D.C.

Case Assistant (Practice Information Services Department)

January 2003 - July 2003

Effectively supported large-firm litigation team by indexing documents, managing databases, and organizing client files.

BAR MEMBERSHIP

State Bar of California, Admitted December 2009, Bar Number 265375

SKILLS & LANGUAGE

Advanced computer and research skills (Concordance, Relativity, Lexis, Westlaw).

DANIEL P. RATHBUN

EDUCATION:

UNIVERSITY OF MICHIGAN LAW SCHOOL, J.D., cum laude

May 2009

Articles Editor, Michigan Law Review; authored publications:

- Irrelevant Oversight: "Presidential Administration" from the Standpoint of Arbitrary and Capricious Review, 107 MICH. L. REV. 643 (2009)
- Ideological Endowment: The Staying Power of the Electoral College and the Weaknesses of the National Popular Vote Interstate Compact, 106 MICH. L. REV. FIRST IMPRESSIONS 117 (2008)

Jason L. Honigman Award (for greatest contribution to Michigan Law Review)

Executive Board, Henry M. Campbell Moot Court

Best Oral Argument, Legal Practice Program

LEGAL EXPERIENCE:

GIBSON, DUNN & CRUTCHER, Washington, D.C.

Litigation Associate

Nov. 2009 - present; Summer 2008

Represent clients in a wide range of matters before federal and state courts and administrative agencies, concentrating on labor and employment litigation. Significant matters include:

- Drafted winning briefs, recommended legal positions and strategy decisions, and assisted in all other aspects of The Boeing Company's successful defense against NLRB enforcement action seeking to compel the relocation of a billiondollar airplane assembly facility. The union withdrew all unfair labor practice charges during trial.
- Coordinated Hyatt Hotels' successful defense against nationwide series of union-triggered OSHA citations alleging "repetitive motion injuries," including by spearheading motions practice and discovery, conducting depositions, and overseeing negotiations with OSHA and union-complainants. OSHA withdrew all "repetitive motion injury" citations.
- Drafted successful motion to dismiss for American International Group in defense against federal class action alleging \$2 billion in damages from mishandled workers' compensation claims.
- Served as lead negotiator for various clients in OSHA investigations involving union-triggered "whistleblower" complaints, and secured withdrawal of many such complaints.
- Regularly counsel clients on developing and monitoring employee-relations policies for compliance with the requirements of the NLRA, FMLA, ADEA, and other applicable laws.
- Regularly counsel clients on all aspects of OSHA law, including complying with specific regulations, anticipating and responding to investigations of alleged hazards and "whistleblower" complaints, contesting and negotiating withdrawal of citations, and managing publicity and employee-relations in high-profile matters.
- Regularly assist clients to submit formal comments on NLRB and OSHA rulemaking initiatives pursuant to the APA.

IRISH CENTRE FOR HUMAN RIGHTS, Galway, Ireland

May 2007 - Aug. 2007

Legal Intern

Drafted memoranda on human rights law. Completed courses on human rights law and international criminal court practice.

TERRIS, PRAVLIK & MILLIAN, Washington, D.C.

Nov. 2004 - May 2006

Paralegal

Conducted research, managed case files, and prepared legal filings. Interviewed and screened potential clients.

NATIONAL LABOR RELATIONS BOARD, Washington, D.C.

Aug. 2002 - Dec. 2002

Field Examiner Intern

Investigated unfair labor practices, deposed witnesses, and recommended enforcement decisions orally and in writing.

PROFESSIONAL PUBLICATIONS:

- Occupational Safety and Health, in LEGAL GUIDE TO HUMAN RESOURCES (Steven C. Kahn & Barbara Berish Brown, eds., forthcoming 2013) (coauthor).
- OSHA Blurs Corporate Distinctions to Expand Liability for "Repeat" Citations, Occupational Safety & Health Reporter (Mar. 3, 2011) (coauthor).
- OSHA Multi-Employer Citation Policy Raises Questions About Scope of Employers' Liability, Occupational Safety & Health Reporter (Oct. 14, 2010) (coauthor).

ADMISSIONS: District of Columbia Bar; New York Bar; U.S. Court of Appeals, D.C. Circuit; U.S. District Court, D.C.

Abigail Frances Dean

BAR ADMISSION

State of Colorado, October 2011, Attorney Registration

PROFESSIONAL EXPERIENCE

Honorable James C. Klein, 20th Judicial District, Law Clerk

Boulder, Colorado, August 2011 – Present
Conduct research and draft opinions on a wide range of civil and criminal matters, including breach of contract,
governmental immunity and ineffective assistance of counsel; Assist with trial and case management; Provide
support to the judge and jury during trial; Supervise judicial extern.

U.S. Department of Justice, Legal Extern

Denver, Colorado, August 2010 – November 2010

Assisted Department attorneys in all aspects of federal litigation in the civil enforcement of major environmental statutes, including Clean Air Act, Clean Water Act, CERCLA and RCRA; Responsibilities included drafting various motions, such as motions to compel and motions for summary judgment.

U.S. Environmental Protection Agency Region 8, Legal Intern Denver, Colorado, May 2010 – August 2010 Prepared memoranda of law in both civil and criminal enforcement actions; Drafted various motions and orders, including a Motion for Default Order and an Administrative Penalty Order; Gained proficiency in regulations promulgated under the major environmental statutes.

Florida State University College of Law, Research Assistant

Conducted statistical analysis of climate change litigation in the United States to identify recent trends in this rapidly developing area of law; Assisted Professors J.B. Ruhl and David Markell in drafting a journal article on the topic, published summer 2010.

WildEarth Guardians, Legal Intern

Denver, Colorado, May 2009 - August 2009

Researched legal issues related to the Endangered Species Act; Drafted a 50-page petition to designate critical habitat for the Kemp's Ridley sea turtle.

Christchurch City Council, Planning Officer Christchurch, New Zealand, November 2007 – August 2008 Provided general administrative support to city planners responsible for the Christchurch City Plan.

Coalition for the Homeless, Volunteer Services Manager Orlando, Florida, October 2005 – October 2007 Managed numerous volunteer programs for residents of the shelter, including a weekly children's art program.

EDUCATION

Florida State University College of Law

Tallahassee, Florida

Juris Doctor (with honors), May 2011, Class Rank:

Certificate in Environmental and Land Use Law (with highest honors), May 2011

Book Awards (highest grade): Legal Writing and Research I, Environmental Litigation, Business Associations, Federal Indian Law

Journal of Land Use and Environmental Law, Administrative Editor, May 2009 - May 2010

Florida Bar Foundation Public Service Fellow, Summer 2009

Publication: The Endangered Species Act, the Delta Smelt, and the Commerce Clause, 7 A.B.A. CONST. L. COMM. NEWSL. 3 (2011).

ELLEN ATHAS

EXPERIENCE

Council on Environmental Quality Washington, D.C. July 2010 to present

Detailee, Senior Counsel

Work on a variety of legal issues, including a proposed oil pipeline, a hazardous waste cleanup, wind energy, invasive species litigation, categorical exclusions, review of agency National Environmental Policy Act procedures, oceans matters, genetically engineered crops, and biomass crops. Provide advice and counsel on the National Environmental Policy Act, Federal Advisory Committee Act, and Lacey Act for Executive Office of the President agency.

Federal Aviation Administration Washington, D.C. November 2006 to present

Environmental Law Branch Manager

Directs work of a staff of 14 attorneys in the Environmental Law Branch of the Office of Chief Counsel relating to airport expansion, development and renovation. Formulate policy of legal positions on all environmental issues, including the National Environmental Policy Act, Clean Water Act, Clean Air Act, Endangered Species Act, and environmental justice. Work on Next Generation, a project designed to improve aviation while protecting the environment.

The Ocean Conservancy Washington, D.C. December 2002 to November 2006

Director & Program Counsel, Clean Oceans Program

Organized and directed campaigns for organization's Clean Oceans Program. Provided legal counsel for Ecosystem Program and Clean Oceans Program, including work on coastal and ocean zones. Focused on science, environmental campaigns, policy, legislation and litigation surrounding coral reef ecosystems, coral bleaching, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, Clean Water Act, fish contamination, nutrient pollution and dead zones, aquaculture, invasive species and ocean zoning. Part of strategy team to decide major issues to be addressed by long-term campaigns. Formed and worked with coalitions of environmental and other groups; provided briefings and presentations to Congressional offices, agency personnel, donors, and members of the organization's Board of Directors; gave interviews to television, radio and print media; worked collaboratively inside and outside the organization to bring together independent resources for successful strategies.

Council on Environmental Quality Washington, D.C.
December 1997 to October 2002

Deputy General Counsel and

Associate Director for Oceans, Coasts and Environmental Policy
Developed and coordinated environmental policy advice on federal issues.

Drafted and coordinated negotiations on climate change documents for federal agency focus on issue. Presented and negotiated policy and priorities with members and staff of Congress and other governmental staff and leaders. Drafted, coordinated and oversaw scientific and policy aspects of the Marine Protected Area Executive Order, multi-agency Oceans Report (1999), Vice President's Oceans Report Task Force and Northwestern Hawaiian Islands Coral Reef Reserve Executive Orders. Led interagency groups to integrate National Environmental Policy Act with endangered species issues, global climate change, invasive species, and fisheries management. Worked to implement mandatory ship reporting for protection of Northern Right Whales.

Environment & Natural Resources Division U.S. Department of Justice Washington, D.C. August 1990 to December 1997

Assistant Section Chief, General Litigation Section

Supervised complex litigation on natural resource issues, including timber harvesting in the Pacific Northwest, the closure of National Park hiking facilities for Native American religious observations, the reintroduction of grey wolves, gold mine development near Yellowstone National Park and the Pequot Indian Tribe's plans to construct casinos.

Senior Trial Attorney, General Litigation Section

Litigated matters involving the National Environmental Policy Act, including major litigation on global climate change involving three federal agencies, major policy implications and scientific issues. Also litigated issues involving the Federal Land Policy and Management Act, National Forest Management Act and the Mining Law of 1872.

George Washington University School of Law Washington, D.C. 1995-1997, Lecturer, Part Time

New York State Attorney General's Office Syracuse, New York 1988-1990, Assistant Attorney General

Dickstein, Shapiro & Morin Washington, D.C. 1983-1986, Associate Attorney

EDUCATION

J.D., 1983, Washington College of Law, American University, Washington, D.C. Member, American University Law Review Dean's Fellowship Academic Internship: U.S. District Court Judge Joyce Hens Green

AWARDS AND HONORS

Commendation Award, Executive Office of the President, October 2000;
NOAA, General Counsel's Award, 1999;
Center for Marine Conservation, Ocean Stewardship Award, 1999;
Department of Justice, Attorney General's Awards, John Marshall Award, 1997;
Department of Justice, Attorney General's Awards, John Marshall Award, 1994;
Environment & Natural Resources Division, Outstanding Performance Awards
and Commendations: 1993, 1995, 1997.

PROFESSIONAL ACTIVITIES AND BAR MEMBERSHIPS

Steering Committee Member, Communication Partnership for Science and the Sea (COMPASS)

Lecturer (on NEPA, natural resources and environmental justice issues),
American Law Institute/American Bar Association and Duke University
Member, New York State Bar and District of Columbia Bar

Erin Kathleen Saylor

EDUCATION

Juris Doctor, Lewis and Clark Law School. Portland. OR (2008)

- Environmental and Natural Resources Law Certificate (completed 20+ credit hours of environmental and administrative law course work)
- **GPA**
- Cornelius Honor Society (awarded by the faculty to students who have distinguished themselves by their scholarship, leadership, and contribution to the law school community)
- Clinic: Pacific Environmental Advocacy Center (2007-08)
- Environmental Law Review: Co-Managing Editor (2007-08), Member (2006-07)
- Moot Court: First Place Team & Best Oral Advocate, National Animal Law Moot Court Competition (2008)

EXPERIENCE

ORISE Legal Fellow, U.S. EPA - Office of Wastewater Management, Washington, DC (Sept. 2008 - Present) State and Regional Branch of the Water Permits Division (Full-time Position)

- Staff lead on multiple National Pollutant Discharge Elimination System (NPDES) withdrawal petitions.
- · Assist with the development of agency rules. Participate in multiple aspects of the rulemaking process including initial scope development, tiering, and comment response.
- Responsible for coordinating the Endangered Species Act consultation on the Pesticides General Permit.
- Assist with the evaluation of state NPDES programs to ensure federal program requirements are met.
- Perform legal research as requested.

Law Clerk, U.S. EPA - Office of Enforcement & Compliance Assurance, Washington. DC (May - Aug. 2007) Stationary Source Enforcement Branch of the Air Enforcement Division (Full-time Position)

- Applied EPA's Self-Audit Policy to two companies' self-disclosed Clean Air Act violations and drafted memos detailing a recommended course of action.
- Drafted a notice of violation and a consent agreement for the above-mentioned Audit Policy cases.
- Researched and summarized case law, agency decisions, and agency regulations as requested.

Research Assistant, Lewis & Clark Law School, Portland, OR (June 2006 - April 2007) (Part-time Position)

· Provided research and editing support to Professor Sandy Patrick for the publication of a legal research and writing textbook and article.

Orientation Co-Director, Lewis & Clark Law School, Portland, OR (June - Aug. 2006) (Full-time Position)

Organized and facilitated all aspects of the orientation program for 230 incoming first year law students.

Program Coordinator, Environmental Defense. Washington. DC (Aug. 2004 - Aug. 2005) (Full-time Position)

- Developed preliminary program budget for the Corporate Partnerships program during the annual budget process. tracked expenses during the year and assisted in the preparation of budgets for grant and funding proposals.
- Investigated grant and funding opportunities. Ensured grant commitments were completed and reports submitted in a timely manner. Worked with finance staff to develop grant reports.
- Performed research to support ongoing projects and evaluate new project ideas and strategies.

Program Assistant/Associate, Environmental Defense, Washington, DC (Nov. 2002 - Aug. 2004) (Full-time Position)

Research Intern, League of Conservation Voters. Washington, DC (June - Nov. 2002) (Full-time Position)

BAR MEMBERSHIP

Member, Oregon State Bar

T410-284

Jacob A. Gallegos

loRC-ká

Education

Juris Doctor

University of New Mexico School of Law, Albuquerque, NM

2009

Course work: Legislative Law, Basic Mediation Training, Natural Resources Law, Water Law, Federal Indian Law. Participated in the Law Practice Legal Clinic, where I handled misdemeanor Juvenile and Elder Law cases.

Legal Work Experience

Associate Attorney, Domenici Law Firm, P.C.

2009-Present

- Handing of several administrative appeals of decisions by the heads of various New Mexico Environmental Agencies.
- Preparation of hearing materials, and direct and cross examination questions for the hearing on the renewal of Los Alamos National Labs' Resource Conservation and Recovery Act (RCRA) Permit.
- Litigation of a high profile environmental nuisance case.
- Drafting and filing pleadings in a Federal Bankruptcy case, which involved several environmental issues.
- Environmental plaintiff's work.
- Handled water rights dispute.
- Handling of probate cases.
- Drafting and filing civil appeals with the New Mexico Court of Appeals.
- Drafting and filing civil complaints dealing with oil and gas leases.

Research Assistant to Barbara Bergman, Associate Dean and Professor of Law, University of New Mexico School of Law

 Researching and preparing memoranda and conference materials on Federal and State Rules of Evidence.

Law Clerk, City of Albuquerque City Attorney's Office

2008

- · Researching and preparing memoranda and pleadings for various deputy city
- Worked with attorneys that were with the Environment Protection Division of the City Attorney's Office.
- Work on a high profile case seeking to raise standards for vehicle emissions in New Mexico.
- Review and prepare memoranda on various aspects of the Clean Air Act.

JUL 2 O 2010

2008-2009

2007-2008

Law Clerk, Branch Law Firm.

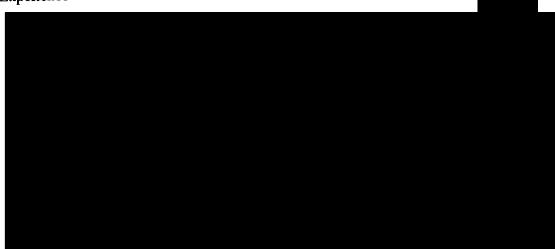
 Prepared discovery and privileged documents log on a high profile Oil and Gas lease case.

2007

Law Clerk, New Mexico Public Regulation Commission, Division of Insurance.

- Worked directly with the New Mexico Superintendent of Insurance on several legal issues related to health insurance, title insurance, and insurance fraud.
- Worked directly with the Chief Insurance Fraud Prosecutor on two high profile insurance fraud cases.

Non-Legal Work Experience



Memberships & Affiliations

- · Member, New Mexico Bar Association
- · Member, New Mexico Hispanic Bar Association
- · Member, New Mexico Bar Association, Young Lawyers Division
- · Member, New Mexico Bar Association, Natural Resources Section.
- · Member, Albuquerque Bar Association
- · Member, American Bar Association

Shawn Grindstaff, JD Mediator and Facilitator

Introduction

Shawn Grindstaff is listed on the U.S. National Roster of Environmental Dispute Resolution and Consensus Building Professionals and is a sought-after environmental mediator and collaborative expert for a wide range of initiatives. Shawn has over 20 years experience as an environmental public engagement, education and consultation expert. His commitment to publicly inclusive consensus building and community involvement in environmental issues has been recognized eight times through city council resolutions, mayoral honors, Chamber of Commerce awards, and statewide environmental awards. Broader recognition includes a 1999 National Phoenix Award for Brownfields Site Selection and Community Impact at a restored brownfields area in southeast Missouri. The United States Environmental Protection Agency ("USEPA") Region VII has honored his work on three separate occasions. This recognition includes a millennium recognition for environmental leadership and the citizen of the year designation in the four-state region. Shawn is a member of the International Association for Public Participation, the National Coalition for Dialogue and Deliberation and the Midwest Facilitators Network. He consistently remains active in numerous community capacitybuilding roles and research projects to improve communities in both the U.S. and Canada. Shawn has also served in a more traditional role as an in-house counsel during his career, as well as roles of college instructor, trainer, community-based consensus-builder, and social science researcher.

Education

Juris Doctor in Law, University of Wyoming College of Law, 1993 (admitted to Missouri Bar, August, 1994).

Professional Registrations and Memberships

Member, National Roster of Environmental Dispute Resolution and Consensus Building Professionals, US Institute for Environmental Conflict Resolution (since 2003)

Steering Committee Member, Great Plains Chapter, International Association for Public Participation Associate Member, Arthur Irving Academy for the Environment, Acadia University, Nova Scotia, Canada

Member, International Association for Public Participation

Member, National Coalition for Dialogue and Deliberation

Past Member, Multi-State Work Group on Environmental Performance

Chairman, St. Louis Regional Chamber and Growth Association Environmental Management Systems Committee, 2002-2004.

Member, National Rural Brownfields Task Force, National Association of Development Organizations, 1999.

Member, American Bar Association Section of Energy, Environment, and Natural Resources

Member, American Bar Association Section of Dispute Resolution

Member, Missouri Bar Environmental and Dispute Resolution Committees

Collaborative Practice and Project Highlights

- Lead Facilitator, USEPA Region 7/ORD Stakeholder Meeting on Future Land Use/Biofuels/Agriculture, Kansas City, Missouri, July-August, 2010.
- Sub-Facilitator for National Park Service Stakeholder Workshop on Ozark National Scenic Riverways Management Planning process, Spring 2010.
- Mineral Area, Missouri Knowledge Gap Assessment and Dialogue stakeholder process and report for St. Francois, Madison, Washington and Iron Counties, Missouri, December 2009 to May 2010.
- Lead Facilitator and Mediator, Northwest Arkansas Council convening of a Beaver Watershed Partnership "Summit", November 2009.
- Lead Facilitator and Al Process Designer, National Agile Agriculture Summit (Applied Sustainability Center at Sam Walton College of Business, University of Arkansas, June-July, 2009).
- Knowledge Gap Assessment and Dialogue Project, Beaver Water District (Arkansas)public focus group, 2009-2010.
- USEPA Region 7, Facilitation Services for Public Meeting, Lead Mining issues, Leadwood, Missouri, August 13, 2009.
- Metro St. Louis Bi-State (MO/IL) Food Policy Roundtable, Facilitation and Process Design, 2009.
- Facilitator, Missouri Water Utilities Partnership Roundtables on Energy Management Systems for 10 Missouri municipalities, 2009-2010.
- Facilitator and Process Design, Lake Texoma (Red River) Development Summit (Texas, Oklahoma), 2009.
- Beaver Water District Board of Directors Knowledge Gap Assessment and Dialogue Project (Arkansas), 2009.
- ♦ International Oceans/Lakes Underwater UXO Issue- Lead Facilitation, Mediation, Process Design Assistance for International Planning Group, Washington DC, 2008.
- USEPA Region 7, Missouri DNR, Missouri DHSS and ATSDR Public Meeting Facilitation , Services- Tumor Cluster Community Issue, Cameron, Missouri. July 2008.
- DHSS Cancer Cluster Public Meeting Facilitation Services- Cameron Missouri, October 9, 2008.
- Illinois River (Arkansas, Oklahoma) Trans-boundary Watershed, Watershed Management Plan Team Member, Visioning and Knowledge Gap Assessment and Dialogue Processes, facilitation services. October 2008-present.
- USEPA Region 7 Public Meeting Facilitation Services Westlake Superfund and Missouri River Floodplain/Levee Issues – Bridgeton, Missouri, 2008.
- ♦ Advisor to Deliberations Team Facilitators, British Columbia/Alberta Bilateral Water Agreement. Collaborative process design and water governance structure advisor, 2008.
- USEPA Future Midwestern Landscapes Study (Biofuels, Agriculture and Water) EPA Regions 5,
 7, and 8. Process design and lead facilitator responsibilities for stakeholder process, 2007.
- Beaver Water District (Arkansas) Knowledge Gap Assessment and Dialogue for Watershed Management Plan Research, 2007.
- Arkansas Division of Environmental Quality "Extraordinary Resource Waters" Facilitated Dialogue – Arkansas, 2007-2008.
- Village of Stella Rural Revitalization and Visioning Missouri, 2005-2006 (Civic Award and Inaugural Parade "marshal" for this EPA "national model" rural village).
- Illinois River Watershed Partnership Summits Arkansas and Oklahoma Watershed, 2006.
- Northwest Arkansas Water Summit, 2005.
- Arkansas/Missouri Interstate Water Quality Summit, Upper White River, 2005.
- Southwest Missouri Water Quality Summit, 2003.

- James River Basin Partnership (JRBP) basin-wide WMP facilitation, 2007-2008.
- Chair and Group Facilitator, Missouri Department of Natural Resources EMS State Advisory Group, 1999-2000.
- Facilitator and Public Meetings Advisor, Southeast Iowa Regional Planning Commission Brownfields Assessment and Redevelopment Project, 2005-2006.
- Pre-convening and Process Design assistance to EPA Region VII via prime contractor Marasco-Newton- Herculaneum, Missouri lead smelter city. 2002.
- Founder and Lead Facilitator/Consensus Builder, St. François County, Missouri Environmental Roundtable, 1994-2002.
- Chairperson and Chamber facilitator/trainer, Environmental Issues Committee, Southeast Missouri Parkland Council of Chambers, 1996-2001.
- Elk River Watershed Consensus Training and Consulting Services Missouri, Oklahoma, Arkansas. 2003-2004.
- Facilitator, Madison County, Missouri Environmental Roundtable (Superfund collaborative committee with government, mining companies, and the community for mining areas dating back to 1700), 1999-2005.
- Northwest Missouri State University Environmental Leadership System, co-developer and project manager, 2003-2005.
- Process Designer and Consultant, Western Nebraska Environmental Leadership Initiative: The
 program received a 2006 Nebraska Industrial Council and the Environment statewide award for
 the innovation and action-based programs implemented in the Nebraska Panhandle.
- New Lead Belt Sustainable Pilot Zone. Process Designer and Consensus-Builder, New Lead Belt/Viburnum Area Lakes Feasibility Project, Missouri. 2003-2004.
- Large Midwest Electrical Utility. Public process design/mediation/facilitation services for a complex community panel process to allocate and manage a \$5.0M grant after a major hydropower incident, 2007.
- Fred Weber, Inc. (Large Regional Construction/Aggregates and Landfill Company). EMS and strategic advisory services on external value EMS and proactive stakeholder work, 2006-2010.
- The Nature Conservancy Nebraska Chapter. Process design and facilitation services for natural resource management engagement processes in the Loess Hills/Platte River region, 2006.
- Other Senior Mediator Advisor Projects. Shawn Grindstaff has completed a variety of senior mediator teaming arrangements with other teams to help them achieve their project goals when conventional public consultation and stakeholder approaches were not enough. Firms have utilized Shawn for the City of Poplar Bluff Comprehensive Plan (Missouri) and the Southeast lowa Brownfields Redevelopment Initiative. Shawn also advises other organizations on achieving progress on sustainability, including numerous academic institutions, the Great Plains Sustainability Initiative, and other grassroots efforts around the country. The City of Poplar Bluff project recently won the MO-APA Most Outstanding Comprehensive Plan of 2008.

Publications/Presentations

- Grindstaff, Shawn. Big Picture Watersheds: Cross-institutional Collaboration and Planning speaker, "Knowledge Dialogues in Trans-Boundary Water Issues: Insights and Opportunities", Land Water and People 2009, River Systems Institute, Texas State University, San Marcos, Texas, November 17, 2009.
- Grindstaff, Shawn. Communications Track Speaker, "Back to the Future: Blending Social Sciences into UXO Communications and Education Strategies", 4th Annual Canadian DND UXO Forum, Quebec City, Quebec, May 13, 2009.

- Grindstaff, Shawn. Collaborating speaker with Robert Morgan, Ph.D., "A Roadmap for Lake Restoration and Protection: Knowledge Gap Assessment and Dialogue", 22nd Annual National Lakes Conference (NALMS, Chicago Botanic Garden, USEPA HQ and Region 5 Water), Chicago, Illinois, April 17, 2009.
- Grindstaff, Shawn. Opening Speaker, "The Legacy of Economic Development", Nuts and Bolts of Brownfields Redevelopment Symposium (Delta Institute and USEPA program) Kansas City, Missouri, July 2008. Invited back after same slot in 2007 program.
- Grindstaff, Shawn. Luncheon Plenary Speaker, "The Importance of Local Leadership: Perspectives from a Traveling Water Mediator", St. Louis Earth Day Water Symposium: Green Solutions for Clean Water: Policy and Practice. University of St. Louis, Missouri, May 7, 2008.
- Grindstaff, Shawn. Panelist and Speaker, "Sustainability: The Long and Short of It for Businesses", 2008 Midwest Region Environmental Conference, Kansas City, Missouri, March 25, 2008.
- Grindstaff, Shawn. Speaker and Subject Matter Expert Panelist, "Communities at Waters' Edge: A Commentary on Keys to Success and Collaboration Over the Long Term", First International Conference, Chemical and Conventional Munitions Dumped at Sea, Halifax, Nova Scotia Canada, October 10, 2007.
- Grindstaff, Shawn. Keynote Speaker, "International Environmental Trends." Sustainable Communities through Economic Development and Conservation Conference, Sidney, Nebraska, April 19, 2007.
- Grindstaff, Shawn. Keynote Speaker, "Sustainable Regional Efforts around North America", Western Nebraska Environment, Energy and Sustainability Symposium, September 23, 2006.
- Grindstaff, Shawn. "Empowering the Next Generation of Environmental Leaders," Sustainability Lecturer, Drury University Convocation Series on Sustainability, December 1, 2005.
- Grindstaff, Shawn. Moderator of the "Rural and Small Municipalities" Brownfields speaker session, Brownfields 2004 National Conference, St. Louis, Missouri, September 23, 2004.
- Grindstaff, Shawn. "Watershed Consensus-Building in the Upper White River Basin." Participation Quarterly, International Association for Public Participation, Fall 2003.
- Grindstaff, Shawn. "Lead, Water, and Rural 'Rules' of Community Ownership: Insights from the Ozark Plateau." Paper presentation at the 2004 International Association for Public Participation Conference, Madison, WI, May 3, 2004.
- Grindstaff, Shawn. Emerging Regionalization of Environmental Issues: A Look to the Future Panel, "Regional Water Quality Consensus." Plenary Session panelist/speaker at the 2003 Region VII Environmental Symposium, Kansas City, Missouri, May 9, 2003.
- Grindstaff, Shawn. "Environmental Dispute Resolution Techniques for Cooperative Governments." Presented at the 2001 White River Basin Forum, Springfield, Missouri, November 6, 2001.
- Grindstaff, Shawn. "Rural Brownfields Redevelopment." The Proceedings of the Brownfields 1999 National Conference, Dallas, Texas.
- Grindstaff, Shawn. "Gauging the Effectiveness of Agency Public Involvement from Citizen Advisory Boards" and "Technical Assistance Knowledge is Power." Presented at the 1999 EPA National Community Involvement Conference, Kansas City, Missouri.
- Grindstaff, Shawn. "Bonne Terre, Missouri Brownfields Redevelopment Successes." Presented at the 1999 Industrial Site Recycling Conference, Pittsburgh, Pennsylvania.

September 22, 2010

David Cozad Office of Regional Counsel U.S. EPA Region 7 901 N. 5th Street Kansas City, KS 66101

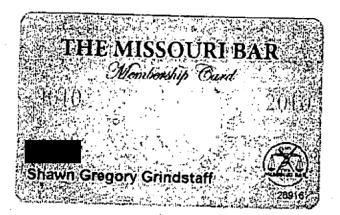
Dear David,

I am interested in a position as an attorney with EPA Region 7 and am submitting a resume to accompany this letter. The attached resume is a resume highlighting my most relevant environmental and conflict resolution experiences to date plus background on other items like education and presentations/articles over my 16 years as an environmental attorney and mediator.

I appreciate your consideration.

Sincerely,

Shawn Grindstaff, Esq. Mediator



This will certify that the attorney runned on the reverse side has compled with the requirements of Missouri Superme Court Rule 6.01 and is a member of The Missouri But in good sending for the emolytem period coding lemany A1, 2011, subject to any decipholy actions taken state the assume of this cord.

Clerk of the Supreme Court of Missouri

Clerk's Office: 573-751-4144

http://www.cnurlsmo.gov/page.asp?kfe223

PLEASE SHOW YOUR ATTORNEY ENROLLMENT NUMBER ON ABJPLEADINGS.

TOMMY TUCKER HENSON II

Education

Lewis & Clark Law School

Portland, OR

J.D., cum laude, 2008 (

- Certificate in Environmental and Natural Resources Law
- Member, Environmental Law (law review), Ninth Circuit Environmental Review
- Pacific Environmental Advocacy Center, Legal Intern. Provided litigation support and legal analysis in Clean Air Act lawsuits and SIP reform activities for environmental litigation clinic.
- Moot Court: Negotiation-Natural Resources and Energy, Regional Competition
- Moot Court: Environmental Law
- Oregon Intellectual Property Newsletter, Text Editor
- Scholar List: Fall 2006, Spring 2007, Fall 2007, Spring 2008



Publications

What a Long, Strange Trip It's Been: Broader Arranger Liability in the Ninth Circuit and Rethinking the Useful Product Doctrine, 38 ENVIL. L. 941 (2008).

Ninth Circuit Environmental Review Case Summaries, 38 ENVIL. L. 797 (2008).

Experience

Texas Commission on Environmental Quality

Austin, TX

Attorney, Litigation Division, 2008-present

- Negotiate enforcement orders, litigate enforcement actions, and analyze legal issues arising under state and federal environmental and administrative law, agency regulations and agency policy. Respond to Public Information Requests for privileged documents.
- Provide legal advice to the Office of Legal Services, the Office of Compliance and Enforcement and TCEQ regional offices. Represent TCEQ regional offices in pre-enforcement negotiations.
- Analyze citizen suit claims against TCEQ and regulated entities.
- Analyzed recent TCEQ waste regulations for enforceability issues and recommended alterations.
- Represent Litigation Division on rulemaking committee revising air quality regulations.
- Evaluate applications for Third-Party Supplemental Environmental Projects, including negotiation and review of novel agreements with a state university to perform complex modeling of chemical plant processes that will reduce turnaround time by 50% and to model flare destruction efficiencies so as to provide TCEQ with comprehensive data for use in evaluation of future regulatory assumptions regarding speciated VOC emissions from flaring activities.

TOMMY TUCKER HENSON II

Birch, Becker & Moorman, LLP

Austin, TX

Lowerre, Frederick, Perales, Allmon & Rockwell

Austin, TX

Law Clerk (Contract), 2008

Provided legal support for a dispute regarding a contested air permit / restart of the ASARCO copper smelter. Performed legal research and drafted a response to questions from EPA regarding EPA's reactivation policy, classification as a major modification, lead emissions, ex parte discussions, etc.

Provided litigation support for a Clean Air Act lawsuit arising under *New Jersey v. EPA*. Performed legal research and drafted reply and sur-reply to Motions to Dismiss and Transfer Venue.

Kell, Alterman & Runstein, L.L.P.

Portland, OR

Law Clerk, 2007

Provided litigation support in areas including disability, environmental and employment law.

 Drafted discovery documents, motions and supporting memoranda, petitions, demand letters, etc. for a variety of clients including hospitals, municipalities, industrial facilities and individuals.

Major projects included opinion letters advising a large Oregon municipality on compliance with the Americans with Disabilities Act in the acquisition of an industrial facility and on its legal authority to require a private entity to comply with ADA standards in a dispute over public and private sidewalks.

Brown McCarroll, L.L.P.

Austin, TX

Paralegal, 2006

Provided litigation support in areas including toxic torts, mass torts, and asbestos litigation.

Performed legal research and drafted discovery documents and memoranda.

Major projects included state-by-state analyses of product distribution for geographic defense to asbestos claims and analysis of historical and current deposition testimony of medical experts.

Legal Assistant and Settlements Coordinator, 2002-2005

Managed and trained a team of litigation clerks responsible for analysis of thousands of claims against a major asbestos-product manufacturer. Managed a team of litigation clerks responsible for processing settlement payments, filing documentation with courts and disbursing settlement funds.

Analyzed claims / settlement demands, prepared counter offers and supported settlement negotiations.

Reduced average monthly settlement payments by approximately 40% by substantially reworking internal procedures for claims evaluation while negotiating a series of concessions on key issues in the settlement formula. Advised senior partners on medical diagnosis-related issues in support of Senate Bill 15 (tort reform in asbestos and silica cases).

Professional Memberships and Other Activities

Member, State Bar of Texas, 2008-present

Member, State Bar of Texas Environmental & Natural Resources Law Section, 2008-present

Member, American Bar Association, 2006—present

Member, American Bar Association Section of Environment, Energy and Resources, 2006—present

Member, American Bar Association Section of Litigation, 2006—present

Volunteer / pro bono legal services: Active Life Movement 501c3, 2009-present

Contributor, Oregon State Bar Environmental and Natural Resources Section Newsletter, 2007–2008

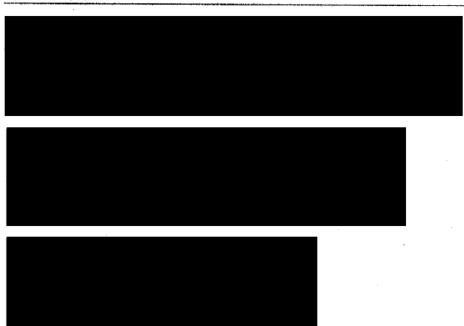
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TOMMY TUCKER HENSON II

References



STATEMENT OF TOMMY TUCKER HENSON II

My interest in a position with the U.S. Environmental Protection Agency ("EPA") arises as a product of my desire to protect the environment and my draw towards public service work. My education and experience is tailored with an eye towards a future career as an EPA attorney, and these factors, along with my abilities and determination, make me uniquely qualified to perform the duties of this position with competence and zeal.

Commitment to Public Service and Environmental Protection

My strong resume and work experience are undoubtedly important, yet I urge you consider my motives first and foremost in evaluating my qualifications. I have a demonstrated commitment to public service and environmental protection that directed my education and continues to illuminate my career path. My calling towards environmental law originated in the experiences of a teenager on a small family farm in the Texas Panhandle, a time when I learned the value of hard work and became mindful of the societal importance of well-managed land and clean water. After a few years working as a legal assistant, I decided to become an attorney, and I chose to attend Lewis & Clark Law for the school's unparalleled environmental law program and its cultivation of conscientious public interest attorneys. Upon graduation, I returned to my native Texas and promptly secured a position with the Texas Commission on Environmental Quality ("TCEQ") to serve both my state and the environment by utilizing my skills to ensure proper remediation of past harms and greater protections against future harms. I am committed to public service and environmental protection, and I aspire to be the best while serving with the best at EPA.

Education

My educational experience is not only demonstrative of my commitment to environmental protection, but, through it, I became remarkably well versed in environmental issues and planted the seeds for a successful career with the EPA. At Lewis & Clark, I worked hard to earn the credentials to get my foot in the door. I was a member of *Environmental Law*, the nation's oldest law review, and I excelled in environmental moot court competitions and published a comment in *Environmental Law*. I graduated *cum laude* with 39 hours of environmental law courses, yet my six credit hours interning for the Pacific Environmental Advocacy Center ("PEAC") were perhaps the most informative, influential and enjoyable of my law school experience.

Experience

My experience with PEAC was a rare opportunity, and I was accepted in the program as a result of my demonstrated commitment to environmental protection, my excellent grades and my strong work ethic. At PEAC, I worked side-by-side seasoned environmental litigators, and I was provided quality assignments and candid feedback that helped me hone my written advocacy skills and legal analysis. At PEAC, I examined new claims involving novel litigation approaches such as utilizing emission violations to launch a collateral attack on a SIP and influencing an agency to exercise its enforcement discretion through rulemaking petitions. I examined the opportunities brought about by New Jersey v. EPA, and I assisted in PEAC's litigation against Oregon's only coal-fired power plant. This experience was ripe with critical environmental

issues and high profile cases, and provided me with a strong foundation on which to proceed with my career.

Following law school, I returned to Austin and, while waiting for my bar exam results, performed environmentally friendly contract work. During this period, I drafted litigation memoranda on behalf of Sierra Club in a MACT-related lawsuit opposing construction of a coal-fired power plant. I also responded to EPA questions regarding the city of El Paso's opposition to reactivation of a long-dormant copper refinery, a lengthy letter that soon became a bit of a thorn in the side of my next employer, the TCEQ.

I accepted a position with TCEQ in its Litigation Division so that I could, to be blunt, "sue polluters." My experience at the agency has provided me with hands-on environmental litigation experience and insight into the administrative system. At TCEQ, I represent the agency in negotiations, hearings and conferences; brief senior staff on difficult issues of law including interpreting agency regulations and policy; draft complex, novel agreements; and participate in rulemaking committees. This submersion in environmental law at the state agency level provides me the skill set and practical experience to succeed at the EPA.

Knowledge, Skills and Abilities

My education and experience, as well as countless hours of ongoing professional study during my personal time, provides me with a comprehensive knowledge of all of the major environmental laws and regulations and complements my excellent interpretive and analytical skills. I am a strong writer, a thorough researcher, and a meticulous craftsman of legal opinions and agreements. I possess formidable negotiation skills exhibited through a successful moot court negotiation competition, and I strive to communicate clearly, concisely and, most importantly, with great consideration for my audience.

Conclusion

Throughout my career and legal education, I maintained a drive and determination that allowed me to develop a in-depth understanding of environmental law and practice, an asset that, when paired with my litigation background, provides me the ability to address complex environmental issues with a proficiency and adroitness that is unexpected in a recently licensed attorney. I understand the complexities of some of the EPA's most difficult cases as well as the necessity of considering the interests of all parties to reach an optimal solution, and I am prepared to utilize my talents and skills in the service of my country.

Terry

ANGELA D. HODGES

EDUCATION

2004-2007

Texas Tech University School of Law

Lubbock, TX

Juris Doctorate cum laude. Law in Science Certificate – Environmental Law. GPA:

Jurisprudence Award for Superior Academic Achievement in Environmental Law

- Jurisprudence Award for Superior Academic Achievement in Contracts
- Phi Delta Phi
- National Environmental Moot Court Team (2005-2007)
- Environmental Law Society (President 2006-2007)

EXPERIENCE

November 2007-May 2009 Associate

Locke Lord Bissell & Liddell

Dallas, TX

- Compliance and Auditing. Direct environmental compliance audits at client facilities. Advise clients on necessary and recommended corrections to comply with environmental laws and minimize regulatory obligations and restrictions.
- Due Diligence. Collaborate with corporate and real estate attorneys and manage the environmental due diligence portions of transactional matters. This work often included reviewing environmental reports and advising other attorneys and/or clients based on the issues identified, coordinating with consultants to conduct Phase I and/or Phase II investigations of properties and defining their scope of work, and reviewing contract language relevant to environmental matters and revising it to ensure favorable terms for the client.
- Litigation. Collaborated with another attorney in drafting a Motion for Summary Judgment and supporting brief
 regarding National Environmental Policy Act and Endangered Species Act claims. The work included researching
 relevant case law, reviewing and analyzing the administrative record, and drafting multiple sections of the MSJ
 brief
- Administrative Law. Created a records retention schedule for a regional agency that maintains public records.
 Facilitated responses to Public Information Act requests by coordinating and supervising staff in document reviews and researching Texas Attorney General opinions to aid in my drafting of letter opinion requests.
- Superfund. Reviewed client documents and documents presented by opposing parties in relation to client's
 alleged contribution to a Superfund site and identified documents demonstrating the client's minimal potential
 contribution to contamination at the site. Participated in Potentially Responsible Party meetings on behalf of the
 client.
- Enforcement. Defended clients against enforcement actions initiated by government agencies. This work included, for example, drafting an appeal of a Texas Commission on Environmental Quality (TCEQ) determination that a client should be classified as a "Poor Performer" according to the client's facility compliance history. Based on my letter of appeal, the client's performance score was reevaluated and reduced nearly 100 points, thereby reclassifying the client as an "Average Performer." The reclassification saved my client significant time and money. Classification as a poor performer often mandates, among other requirements, increased monitoring and reporting in a variety of areas and receipt of individual permits for various media when a standard permit or general permit might otherwise apply.

2nd Summer 2006 Texas Office of the Attorney General, Natural Resource Division Austin, TX

State Bar of Texas, Environmental and Natural Resource Law Section Intern

- Drafted a lengthy petition on behalf of the Texas Commission on Environmental Quality alleging more than twenty-five one-time and continuing hazardous waste violations by a regulated entity. The case was pursued as a multi-million dollar civil enforcement action.
- Performed extensive research on environmental justice including case law and investigation/management of such issues by state and federal agencies.

Note: The State Bar of Texas, Environmental and Natural Resource Law Section (ENRLS) awarded this position. Each year ENRLS awards one funded internship at each of the state environmentally-related agencies on a competitive basis from applications received from throughout the nation.

1st Summer 2006

Lloyd, Gosselink, Blevins, Rochelle & Townsend

Austin, TX

Summer Associate

Performed research regarding many administrative, policy, and litigation issues arising from clients' environmental matters. Examples of project work include researching consequences and potential remedies for a client who purchased a PCE-contaminated site; researching statutes governing groundwater district rulemaking; and reviewing revisions to the Houston-Galveston-Brazoria State Implementation Plan. Prepared detailed paid for applicant Dallas, TX memoranda describing current statutory and case law on the issue presented and suggesting strategies for accomplishing the desired goals.

Summer 2005

Environmental Protection Agency Region 6 Office of Regional Counsel, Criminal Enforcement

Summer Honors Intern

Involved in several criminal enforcement cases including matters relating to illegal emissions and human exposure to asbestos, illegal importation of hazardous waste, and associated fraud charges with each case. Reviewed case files to determine sufficiency of evidence for prosecution and areas requiring further investigation. Prepared detailed memoranda recommending potential charges for prosecution, which were then submitted to the U.S. Attorney's Office.

August 1999-July 2004

MFG, Inc.

Austin, TX

Environmental Consultant/Regulatory Analyst

- Monitored legislative activities. Interpreted rules and statutes as applicable to clients' situations. Performed indepth research of rules and facility compliance history.
- Prepared Texas Pollutant Discharge Elimination System (TPDES) permit and renewal applications.
- Performed Phase I Environmental Site Assessments and other activities associated with commercial real estate
- Provided regulatory support and rule interpretation regarding a broad range of issues for a Fortune 500 industrial client. Performed in depth research regarding facility operation and compliance history. Managed health and safety issues and on-going waste management activities at an active remediation site.
- Member of team that worked on two total maximum daily load (TMDL) projects: 1) evaluating three river segments in the Brazos River Basin; and 2) evaluating the Sam Rayburn Reservoir. Responsible for meeting the public participation requirements of the TMDL process, which included identifying stakeholders, arranging and conducting public meetings, and keeping public and stakeholders updated throughout the process via public announcements and newsletters.
- Prepared EPCRA Tier II reports for approximately 40 facilities annually in order to meet EPA reporting requirements.
- Inspected car rental facilities to determine the necessity of a Spill Prevention, Containment and Countermeasure (SPCC) Plan. Drafted SPCC plans for facilities requiring them.

PUBLICATIONS

Elizabeth E. Mack and Angela D. Hodges, Settling CERCLA Section 107 Claims, Law360, February 25, 2009.

TRAINING

40-hour Mediation Training

40-hour OSHA Hazardous Waste Operations and Emergency Response Training

REFERENCES



YOLANDA SHERICE HOLDEN

Title: Attorney Advisor (Criminal Enforcement)
Agency: Environmental Protection Agency
Job Announcement Number: 10-23-31-CNSL
Applying for GS-14 in Kansas City, KS

ATTORNEY AT LAW SUMMARY

> 10+ Years of practicing Law in Private Practice, Government and Higher Education.

Proficient in courtroom practices, especially in criminal law and procedures

Proactively educate staff in often-changing policy environment to structure organizational responses, and ensure operational compliance with guidelines and regulations.

Practiced in:

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Criminal Law
Administrative & Government Law
Employment Law / HR
Family & Elder Law
Controlled Substances Law
Personal Injury
Social Security Appeals
Academia / Education

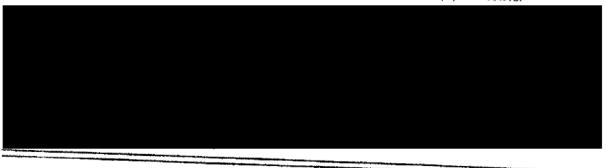
Knowledge of:

Trials / Trial Preparation
Arguing Motions / Plea Negotiations
Civil Lawsuits
Alternative Dispute Resolution, Mediation
Appeals / Appellate Briefs
Pleadings
Complaint Construction
Negotiation Settlements

CREDENTIALS

Juris Doctorate - Awarded in 1999 / Loyola University Chicago School of Law 25 E. Pearson St. / Chicago, II. 60611 / (312) 915-7120

- Wrote for Loyola's ChildLaw Journal (journal of Loyola's Civitas ChildI aw Center).
- Interned for Chicago Legal Clinic during law school as part of public interest law initiative. As law student, held 711 license to represent clients in court under supervision of practicing attorney. Gained experience representing clients in Social Security appeal matters, which was a primary focus in addition to family law.
- * Externed for U.S. District Court Judge Ann C. Williams for two (2) semesters.



ACCOMPLISHMENTS DURING LAW SCHOOL

U.S. District Court, Northern District of Illinois / Chicago, IL

Judge Ann C. Williams (presently sits on 7th Circuit Court of Appeals)

2 EXTERNSHIPS

- Externed for two (2) semesters, summer 1996 and spring 1998.
- Wrote briefs on behalf of Judge in civil cases.

Chicago Legal Clinic / Jan. 1998 to Aug. 1998

INTERN

- Interned for Chicago Legal Clinic during law school as part of public interest law
- As law student, held 711 license to represent clients in court under supervision of practicing attorney.
- Received foundation experience representing clients in Social Security appeal matters.
- Social security matters and family law were sole responsibilities here.
- Worked for 2 semesters, spring and summer of 1998, 20 hrs per week.

PROFESSIONAL CAREER PROGRESSION

CB Richard Ellis - Sprint Account / July 2010 - present

Yolanda S. Holden

Superior:	
superior:	
Salary:	
Salary.	
CONTINUE ACTO MITO OCT	

CONTRACTS NEGOTIATOR

- Negotiates real estate contracts for Sprint portfolios located in the southeastern United States and in numerous countries abroad.
- Drafts a variety of lease, termination, and other real estate agreements.

Purdue University Calumet	/ July 2009 - January 2	2010
Superior:		
Salary:		

AFFIRMATIVE ACTION OFFICER - INTERIM

- Led mediation and resolution of disputes between employees; investigated campus complaints of discrimination and harassment, and trained staff on legal/compliance issues.
- Participated in recruitment of diverse faculty members.

Key Accomplishments:

- Avoided harassment complaints/legal actions on transgendered faculty member; researched and educated faculty/staff and campus community to accept member's life choice to prevent harassment/discrimination complaints; coached supervisors on employment law.
- Completed Affirmative Action Plan; compiled figures and developed charts and conducted data-intensive examination of university's various initiatives of women and minorities among the faculty and staff.
- Developed new and up-to-date harassment avoidance training PowerPoint presentation.

Robert L. Lewis	& Associates / July	y 2002 – August 2009

Superior:	
Salary:	
ATTORNEY	

- Conducted all aspects of private practice law firm, e.g. met with clients, filed complaints/motions, online research, attended hearings and motions, developed and made arguments, sat first chair in trials, and supervised support staff of five.
- Represented clients in various courts; drafted pleadings, motions and briefs.
- Negotiated with State and City Prosecutors on behalf of criminal clients and other attorneys in civil cases.

Key Accomplishments:

Won high-profile civil trial representing public school corporation.

Yolanda S. Holden Page 3

> Brought in-house and personally wrote appellate briefs for law firm (previously outsourced).

Lake County Public Defender's Office / Jan. 2003 - April 2008; and April 2009 - Nov. 2009

Superior:

Salary:

CONTRACT PUBLIC DEFENDER

- Defended individuals charged with felonies in Lake County, IN
- Worked my cases up in order to get the best outcome for my client.
- Met and talked with clients to involve them in planning and strategizing of cases.
- Interviewed/spoke with all witnesses, including depositions.
- Organized/developed cases for trial and appeared in court weekly.

Gary City Court / February 2008 - August 2008

Superior:

Salary:

DRUG COURT PUBLIC DEFENDER

- Public Defender for the City of Gary's drug court handling all drug-related matters.
- Met/interviewed defendants to see if they qualify and are interested in drug court program.
- Represented defendants in court who are participants in drug court program.
- Made recommendations to drug court staff regarding clients' treatment and programs.

Key Accomplishments:

Earned high rapport with other staff of drug court program, including prosecutor in defense of clients.

Lake County Child Protective Services / July 2007 - June 2008

Superior:

Salary:

CONTRACT ATTORNEY

- Attorney for State agency investigating and overseeing child neglect and abuse cases on behalf of the People of the State of Indiana.
- Represented agency in trials to terminate parental rights when parents were non-compliant.
- Wrote countless appellate briefs on behalf of the State when parents appealed their case.
- Researched law, and wrote and filed pleadings and motions.
- Worked out agreements with other attorneys when parents were represented by counsel.

Yolanda S. Holden

Page 4

Key Accomplishments:

Never lost at trial level, and lost only one appeal.

Office of the Lake County Prosecutor / June 1999 - June 2002

Superior:

Salary:

DEPUTY PROSECUTOR

- Deputy Prosecutor for State agency responsible for charging crimes in Lake County.
- Managed high caseload of people charged with crimes, about 80 to 100 cases.
- Appeared in court daily, arguing motions and participating in trials.
- Teamed with police department and spoke with victims.
- Worked cases up and kept a high conviction rate.
- Researched law for innovative ways to control evidence.

Key Accomplishments:

- Won murder trial when all evidence was circumstantial.
- As 1st job out of law school, was successful in establishing self as effective attorney and in becoming a part of legal community.

KNOWLEDGE-SKILLS - ABILITIES

- I have 10+ years of professional legal experience.
- I have extensive knowledge and practice in Criminal Law and Procedure.
- I am extremely familiar with courtroom etiquette and practices.
- I have extensive legal writing experiences.

AFFILIATIONS

- •
- Indiana State Bar Association
- Kimbrough Bar Association
- Visiting Instructor, Purdue University Calumet

Yolanda S. Holden

PROFESSIONAL REFERENCES: PERSONAL REFERENCES:

James Matthew Barnwell



Highest Grade: 12

Work Experience: Judge Marc T. Treadwell, U.S. District Court for the Middle District of Georgia

08/2012 - 08/2014

P.O. Box 65

Salary: \$69,497.00 USD Per Year

Macon, GA 31202 US Hours per week: 40

Pay Plan: JS

Grade: 12

This a time-limited appointment or temporary promotion

Supervisor: Judge Marc T. Treadwell

Okay to contact this Supervisor: Yes

Judicial Law Clerk

- -Independently managed caseload that comprised one-third of docket assigned to Judge Treadwell -Researched and drafted Court orders on wide range of issues, including: Title VII/ADEA employment
- -Researched and drafted Court orders on wide range of issues, including. The VII/ADEA employment discrimination, 42 U.S.C. § 1983 (for alleged First, Fourth, and Eighth Amendment violations), bankruptcy, ERISA, Federal Food, Drug, and Cosmetic Act, Federal Railroad Safety Act, United States Sentencing Guidelines, state law claims between diverse parties, suppression of evidence in criminal cases, and a variety of matters concerning discovery, jurisdiction, and federal civil and criminal procedure
- -Prepared written memoranda for Court in advance of hearings, Eleventh Circuit panel sitting, and trials
- -Drafted jury instructions
- -Researched and examined pertinent federal and state statutes and regulations, federal court decisions, administrative rulings and decisions, and legislative history
- -Analyzed complex legal and factual information and interpreted the significance of this data under prevailing legal principles as expressed in statutes, regulations, and case law
- -Drafted legal documents, including legal memoranda and orders
- -Worked closely with Judge Treadwell on sensitive and confidential matters
- -Prepared decisions and wrote reports

- -Gave oral presentations to Judge Treadwell of issues, results of research, and discussions of application of legal precedents or situations in which precedents were absent, conflicting, or unsettled -Observed teleconferences with counsel or other representatives for the parties for the purpose of resolve procedural questions, motions for extensions of time, and setting dates for submission of various documents
- -Analyzed factual and legal issues presented in cases to determine whether additional evidence, briefing or responses to motions were necessary
- -Examined formal filings for legal sufficiency under various statutes, rules and regulations
- -Conducted complex legal research, analysis, and interpretation of state and federal laws, rules, and regulations, and presented results in a clear, precise, and persuasive manner, orally and in writing
- -Made logical and objective determinations of pertinent facts to arrive at appropriate policy and legal recommendations
- -Communicated effectively in writing and presented information and arguments in a logical, cogent, and persuasive manner with sensitivity to appropriate language and tone for the intended recipient or
- -Dealt effectively with individuals and groups to facilitate accomplishment of Judge Treadwell's responsibilities

U.S. Attorney's Office for the Middle District of Georgia

06/2011 - 04/2012

P.O. Box 1702

Macon, GA 31202 US

Hours per week: 20

Pay Plan: ZY

This a time-limited appointment or temporary promotion

Supervisor: Dan Bennett

Okay to contact this Supervisor: Yes

Student Law Clerk

- -Independently managed work assignments made by Assistant United States Attorneys in civil and criminal divisions
- -Researched and drafted memoranda and dispositive motions for Assistant United States Attorneys on matters related to the Federal Tort Claims Act, Civil Asset Forfeiture Reform Act, Bankruptcy Code, and other federal laws
- -Responded to defendants' motions to suppress evidence
- -Prepared complaints, opening/closing statements, and direct/cross-examination questions for civil forfeiture cases
- -Initiated and responded to discovery requests in civil forfeiture case
- -Conducted complex legal research, analysis, and interpretation of state and federal laws, rules, and

regulations, and presented results in a clear, precise, and persuasive manner, orally and in writing -Made logical and objective determinations of pertinent facts to arrive at appropriate policy and legal recommendations

- -Communicated effectively in writing and presented information and arguments in a logical, cogent, and persuasive manner with sensitivity to appropriate language and tone for the intended recipient or audience
- -Dealt effectively with individuals and groups to facilitate accomplishment of the United States Attorney's Office's responsibilities

Bibb County District Attorney's Office 10/2010 - 12/2010 601 Mulberry Street Macon, GA 31201 US Hours per week: 4

Intern

-Conducted research, drafted accusations, reviewed case files, and observed court proceedings

Bibb County Superior Court 05/2010 - 08/2010 601 Mulberry Street Macon, GA 31201 US Hours per week: 40

Supervisor: Hon. Lamar Sizemore

Okay to contact this Supervisor: Yes

intern

- -Observed trials and other court proceedings in Georgia's general jurisdiction trial court
- -Conducted research and reviewed case files in domestic proceedings

The Telegraph 05/2005 - 08/2009



Staff Writer

- -Wrote and published spot news, feature, and in-depth articles on government and politics in central Georgia
- -Cultivated network of sources, establishing and developing effective ongoing interpersonal relationships with individuals inside and outside of government, academia, and political spheres -Researched, analyzed, and developed information designed to reach wide audience via print and

digital platforms

- -Interviewed wide range of people under a variety of circumstances
- -Utilized open records and open meetings laws to obtain information necessary for reporting news to the public
- -Mastered AP Style and grammar
- -Operated under deadline pressure while juggling multiple responsibilities
- -Quickly developed expertise in many different subject areas to competently convey information to readers

Honors:

- -First Place, Beat Reporting, Associated Press Awards (2008) recognized in largest division of annual statewide journalism contest as the "reporter whose work exemplifies the best in consistency, initiative, variety, depth and how readers were informed about a specific beat over time" for coverage of Macon City Hall
- -Second Place, Freedom of Information, Associated Press Awards (2009) recognized in largest division of annual statewide journalism contest for "outstanding efforts to open up the processes of government to public view" while reporting on U.S. Department of Justice efforts to recover portions of a federal grant mismanaged by the city of Macon

The Red & Black 01/2002 - 05/2005



Writer/Editor

Opinions Editor: Penned institutional editorials and personal opinion columns; produced daily opinions page

News Editor: Responsible for all news content; managed news operation and staff of reporters and stringers

Staff Writer: Covered variety of beats, including cops/courts, University research, and University administration

Education: Mercer University School of Law

Macon, GA US
Professional - 05/2012
Semester hours
Major: Law

GPA:

Honors: Magna Cum Laude

Relevant Coursework, Licensures and Certifications:

J.D., magna cum laude, 2012 | Class Rank:

Honors: Brainerd Currie Honor Society; National Order of Scribes; Faculty Award for Excellence in Legal Writing; CALI Awards for Excellence (highest grade in multiple subjects); Dean's List Activities: Articles Editor, Mercer Law Review, 2011-2012; Member, Mercer Law Review, 2010-2011; Member, New York City Bar/American College of Trial Lawyers National Moot Court Competition Team, 2011-2012; Member, Billings, Exum, & Frye National Moot Court Competition Team, 2010-2011; Legal Aid Volunteer Association; Phi Alpha Delta

Publication: J. Matthew Barnwell, Note, Taking a Bite Out of Speech Regulation: The Supreme Court Upholds First Amendment Protection for Depictions of Animal Cruelty in United States v. Stevens, 62 MERCER L. REV. 1031 (2011)





Professional Publications: J. Matthew Barnwell, Note, Taking a Bite Out of Speech Regulation: The Supreme Court Upholds First Amendment Protection for Depictions of Animal Cruelty in United States v. Stevens, 62 MERCER L. REV. 1031 (2011)



Reference Type: Professional



Reference Type: Professional



Reference Type: Professional



Reference Type: Professional

JENNIFER W. LIN

EDUCATION

Washington and Lee University School of Law, Lexington, VA

Juris Doctor Anticipated, May 2009

Activities: Secretary of Asian Pacific Law Student Association; Mock Trial (Witness)

Courses: 1st Semester: Civil Procedure, Torts, Criminal Law, Contracts

2nd Semester: Criminal Procedure, American Public Law Process, Civil Procedure, Criminal Procedure

George Mason University Paralegal Certificate, August 2003

WORK EXPERIENCE (All in Washington D.C.)

Kelley Drye Collier Shannon (Telecommunications and Corporate Practice Groups) Paralegal, August 2004 – July 2006

- Edited and cite-checked briefs and contracts.
- · Case database and document management.
- Assisted with real estate and commercial property transactions (document organization, client interaction).

Labat-Anderson (Contractor to Department of Justice)

Paralegal, March 2003 - July 2004

- Courtroom assistance during trial (quick research, document retrieval and exhibit management).
- Logged and filed discovery productions.

Office of Representative Tom Davis, III (R-VA-11th District)

Intern, December 2003 - March 2004

- Interacted with government officials, press, constituents and general public to meet their needs and answer questions.
- Drafted correspondence in response to constituent inquiries.
- Conducted research on various legislative topics.

Tucker Alan, Inc. (now Navigant Consulting)

Research Associate, September 2002 - March 2003

- Tracked case information to input into practice development litigation index.
- Interpreted and summarized laws, statutes, cases, news and other technical information into briefs.

LANGUAGE SKILLS & INTERESTS

JENNIFER W. LIN

9/11/

EDUCATION

Washington and Lee University School of Law, Lexington, VA

Juris Doctor, May 2009

Activities: Washington and Lee Journal of Energy, Climate, and the Environment Managing Events Editor (2008 – 2009); Asian Pacific Law Student Association Secretary (2006 – 2008)

Clinical Activities: Hurricane Relief Practicum, International Law Practicum (Liberia and Cambodia), Gentry Locke Rakes & Moore LLP Externship, Climate Change Litigation Practicum

Awards: Recipient of 2007 A. Paul Knight Memorial Fellowship

BAR ADMISSION

Virginia, admitted November 4, 2009

PROFESSIONAL WORK EXPERIENCE

Prince William County Circuit Court, Manassas, VA

2009 - August 2010

Law Clerk to Chief Judge, the Honorable Lon E. Farris, August 2009 - August 2010

- Legal research, writing memos and drafting opinions on contract, family law, tort, civil procedure and other issues
- Analyze motions, pleadings and orders for entry by Judge
- · Brief Judge on motions for hearings and draft orders for entry by Judge
- · Respond to inquiries from attorneys, pro se parties and general public

United Nations Office on Drugs and Crime, Vienna, Austria Intern, May 2008 - July 2008

 Edited, researched and wrote briefs related to human rights, criminal justice reform and global environmental issues (juvenile justice, prison overcrowding, illegal trafficking)

Assisted in project formulation (research, budget formulating, drafting of project concepts)

Environmental Protection Agency, Washington, D.C.

Legal Intern, Suspension & Debarment Division, May 2007 - August 2007

- Wrote memo on judicial definition of de facto debarment and its constitutionality
- Reviewed case materials, prepared draft summaries of facts, verified legal references and citations
- Analyzed and categorized documents for project on history of suspension and debarment program

Kelley Drye & Warren, LLP, Washington, D.C.

Paralegal, Telecommunications and Real Estate Practice Groups, August 2004 - July 2006

- Edited and cite-checked documents
- Managed litigation databases and documents
- Assisted with document organization and preparation for commercial property transaction

Labat-Anderson (Contractor to Department of Justice), Washington, D.C.

Paralegal, March 2003 - July 2004

- · Provided support in all aspects of trial litigation including research, document retrieval and exhibit management
- · Logged and filed discovery productions and managed discovery databases

Office of Representative Tom Davis, III, Washington, D.C.

Intern, December 2003 - March 2004

Responded to inquiries from government officials, members of the press, constituents and the general public

OTHER SKILLS AND INTERESTS

Joanna Citron Day



EXPERIENCE

Department of the Interior, Washington, DC

Attorney-Advisor

August 2003 - Present

Counsel and advise federal land managers regarding CERCLA response actions on public lands. Counsel and advise federal land managers on various environmental law issues under federal and state law relating to cleanup of hazardous substances on public lands, including issues that arise under RCRA, CWA, CAA, NEPA, TSCA, and SDWA. Investigate potentially responsible parties (PRPs) who have potential liability for release or threat of release of hazardous substances on public lands. Work with DOJ to develop settlement and litigation strategy on various issues relating to CERCLA response actions on public lands.

Sheppard, Mullin, Richter & Hampton, LLP, Washington, DC

Associate Attorney, Litigation

April 2003 - August 2003

Researched and drafted pleadings, correspondence, and strategy memoranda for a variety of commercial litigation matters. Researched and drafted memoranda regarding various domestic corporate law issues.

Beveridge & Diamond, PC, Washington, DC

September 2001 - March 2003

Associate Attorney, Environmental Litigation

May 2000 - April 2001

Summer Associate and Law Clerk

Counseled and advised clients on various environmental law issues under several federal and state statutes, including CERCLA, RCRA, CWA, and NEPA. Researched and drafted pleadings for various insurance and toxic tort issues. Researched and drafted litigation strategy memoranda on white collar criminal issues, including civil and criminal contempt, and fraud on the court. Provided pro bono legal services for contract litigation and estate planning.

United States Department of Justice, Washington, DC

Law Clerk, Environmental Enforcement Section

June 1999 - December 1999

Researched and drafted complaints, motions, settlement agreement, and internal briefing memoranda for enforcement litigation under major federal environmental statues. Participated in strategy sessions with trial attorneys and client agencies.

Arnold & Porter, Washington, DC

Legal Assistant, Environmental Practice Group

Researched legal databases, government dockets, and case files for complex CERCLA and toxic tort cases. Coordinated document productions and court filings for various clients, and assisted in all aspects of litigation discovery, including deposition preparation.

EDUCATION

George Washington University Law School, Washington, DC Juris Doctor, May 2001

Law Journal: Public Contract Law Journal, Notes Editor

PROFESSIONAL ASSOCIATIONS

Member, New York and District of Columbia Bars

Member, New York Bar Association, District of Columbia Bar Association, American Bar

Association



Pistrict of Columbia Court of Appeals Committee on Admissions 430 F Street, N.W. — Room 123 Washington, P. C. 20001 202/879-2710

I, JOY A. CHAPPER, Acting Clerk of the District of Columbia Court of Appeals, do hereby certify that

JOANNA CITRON DAY

was on the	5TH	day of	AUGUS	T, 2002			
duly qual	ified and	admitted	as an	attorney	and	counselor	and
entitled	to pract:	ice before	this	Court and	is,	on the	date
indicated	below, an	active men	mber in	good stand	ding	of this Ba	ar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on July 13, 2010.

JOY A. CHAPPER, ACTING CLERK

By:

Depaty Clerk



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KELLIE ORTEGA

LEGAL EXPERIENCE

LATHAM & WATKINS LLP, Newark, NJ, New York, NY, Washington, DC Associate - Environment, Land & Resources Department; Climate Change Practice Group

April 2004 - Present

- Regulatory Compliance:
 - Served as an alternate on EPA's Clean Air Act Advisory Committee's Workgroup on Climate Change.
 - Analyzed and provided comments on EPA's "Advanced Notice of Proposed Rulemaking for Greenhouse Gases" and proposed "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule," "Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards" and "Prevention of Significant Deterioration (PSD): Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by the Federal PSD Permit Program Rule."
 - Counseled clients and engaged in business development efforts relating to: proposed federal climate change legislation, greenhouse gas reporting and offsets and the Clean Development Mechanism.
- Transactional:
 - Assessed environmental issues in corporate and finance transactions, focused on deals involving wind, natural gas and coal-based energy sources, contaminated land and waste.
 - Served as primary lender negotiator and liaison between clients, sponsors and consultants on environmental and social matters related to the financing of a high-stakes natural gas project in Papua New Guinea; analyzed legal conformance of the project with International Finance Corporation Performance Standards.
 - Drafted renewable energy certificate agreements.
- Litigation:
 - Conducted all aspects of litigation, involving Clean Air Act, toxic tort, NEPA, and CERCLA claims, including: appellate and trial court brief-writing, litigation analyses, depositions, witness interviews and other discovery.
 - o Developed the initial environmental litigation strategy for lawsuits regarding the City of New York's response to the World Trade Center attacks; served as primary client liaison on environmental matters. Pro Bono:
- - Served as Clean Energy Law Center Working Group Member on climate change issues and tracked and drafted summaries of regulatory and legislative developments related to climate change.
 - o Represented clients in environmental and land use lawsuits and in an asylum proceeding.

SIDLEY AUSTIN BROWN & WOOD LLP, New York, NY Associate; Summer Associate

September 2003 - April 2004; Summer 2002

- Drafted briefs and conducted discovery in an antitrust class action lawsuit.
- Pro Bono: Developed SEQRA strategy for Catskills environmental group opposing a planned development project.

COLUMBIA HUMAN RIGHTS FELLOW, LEGAL RESOURCES CENTRE, Cape Town, South Africa

Summer 2001

Authored analytical paper on land reform and sustainable development in Southern Africa.

SIGNIFICANT POLICY AND OTHER EXPERIENCE

DAVID L. BOREN NATIONAL SECURITY EDUCATION PROGRAM FELLOW, New Delhi, India Graduate Research Fellow June 2000 - May 2001

- Received selective U.S. government fellowship for national security research in South Asia and Hindi language study (project on development of water resources between India and Nepal was suspended due to lack of political progress).
- Conducted field research in Nepal and drafted reports on refugees and conflict resolution.
- Analyzed violations of national and international law by parties to the Kashmir conflict.

RESOURCES FOR THE FUTURE, Washington, DC Intern, International Institutional Development and Environmental Assistance Program

Summer 1999

Drafted a project proposal for the UNDP-Global Environment Facility on building environmental legal institutions.

DEPARTMENT OF STATE, BUREAU OF OCEANS, INTL. ENVTL. & SCIENTIFIC AFFAIRS, Washington, DC Summer 1998 Intern, Office of Environmental Policy

 With the U.S. delegation, prepared position for and attended the first round of international negotiations for the Convention on Persistent Organic Pollutants. Prepared a dioxin case study to inform the U.S. negotiating position.

CONSUMER EDUCATION AND RESEARCH CENTER, Ahmedabad, Gujarat, India Intern

Summer 1997

Prepared detailed policy analyses for India's largest non-profit organization.

PUBLIC POLICY & INTERNATIONAL AFFAIRS PROGRAM FELLOW, U. Maryland, College Park, MD Summer 1996 Environmental Policy Module Economics Teaching Assistant

- One of twenty students nationwide selected to participate in an intensive public policy analysis program and receive funding for graduate study and an internship in a related field (Summer 1996).
- Taught micro and macroeconomic theory as applied in public policy analysis to a cohort of fellows (Summer 1999).

YALE CENTER FOR ENVIRONMENTAL LAW AND POLICY, New Haven, CT Research Assistant to Professor Daniel Esty

Summer 1995

- Part of the competitive Minority Summer Research Exchange Program, sponsored by the Ford-Mellon Foundation.
- Contributed to: UNEP report on "International Investment and the Environment," and North American Council on Environmental Cooperation report on "The Environmental Effects of NAFTA."

EDUCATION

COLUMBIA LAW SCHOOL, J.D. (May 2003). Stone Scholar; "Best Overall Performance" Moot Court (2000); Environmental Law Journal; Environmental Law Society; Coalition for Legal Recruitment of Minorities & Women.

- Teaching experience: Developed original law school course, "Collaborative Approaches to Environmental Decision-Making." Environmental Law Clinic Teaching Assistant: prepared syllabus and ran cases and deposition exercise.
- Clinical experience: Environmental Law Clinic Student Clinician: developed case and prepared direct- and crossexamination for an administrative hearing on particulate matter pollution in relation to a New York City power plant and negotiated final settlement.

BAR ADMISSIONS

District of Columbia; New York; Court of Appeals for Third Circuit; District Court for District of New Jersey.

INTERESTS

RECENT PUBLICATIONS

- EPA Proposes to Tailor Application of PSD and Title V to GHG Emissions from Stationary Sources, Latham & Watkins Client Alert (November 2009).
- Key Senate Developments for Climate Change and Clean Energy Legislation, Latham & Watkins Client Alert (October 2009).
- EPA Finds that Greenhouse Gas Emissions from Motor Vehicles Endanger Public Health and Welfare, Latham & Watkins Client Alert (April 2009).
- USEXIM and OPIC Agree to Consider More Climate Change Issues and to Tighter NEPA Requirements in their Financings, Latham & Watkins Client Alert (February 2009).
- Early Reduction Credits Under Lieberman-Warner, Energy Law 360 (May 2008).
- Issues Relating to Early Reduction Credits under the Lieberman-Warner Climate Security Act, S. 219, Latham & Watkins Client Alert (May 2008).
- EPA is Required to Impose Mandatory Reporting Requirements for Greenhouse Gas Emissions in all Sectors of the US Economy, Latham & Watkins Client Alert (April 2008).
- Three Years After Implementation, the Clean Development Mechanism Moves Markets and Matures in New Directions, Latham & Watkins Client Alert (January 2008).

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KIMBERLY A. WILSON

EDUCATION

American University, Washington College of Law - Washington, DC

Juris Doctor, May 2009 GPA:

Senior Staff, International Law Review

Bar Admission: Maryland, December 2009; District of Columbia (pending)

LEGAL EXPERIENCE

Environmental Integrity Project, Attorney - Washington, DC

August 2009 - present Law Clerk - Washington, DC

Focus on litigation under the Clean Air Act and Clean Water Act regarding air emissions and sources of water pollution. Review environmental permits, comment on proposed regulations, research environmental policy issues and file comments at the state and federal level. Write environmental reports for public and media use.

U.S. Environmental Protection Agency, Law Clerk - Washington, DC Provided legal analysis, writing, and research regarding various issues for Clean Water Act enforcement cases within the Water Enforcement Division of the Office of Enforcement and Compliance Assurance. Assisted Department of Justice and EPA Regional offices with case development, settlement negotiations and consent agreements.

District of Columbia Court of Appeals, Law Clerk - Washington, DC Drafted legal memoranda and reports for submission to the District of Columbia Court of Appeals on behalf of the Board on Professional Responsibility. Reviewed cases on appeal, and researched questions of law regarding appropriate disciplinary action for attorney misconduct.

Holland & Knight, LLP, Legal Intern - Washington, DC Drafted motions, legal memoranda, and researched immigration and asylum law cases. Analyzed federal law regarding immigration to support Holland & Knight's pro bono commitment to assist Iraqi refugees that aided U.S. forces in Iraq.

U.S. Environmental Protection Agency, Law Clerk - Washington, DC Provided legal analysis, writing, and research for various Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) enforcement cases within the Waste and Chemical Division of the Office of Enforcement and Compliance Assurance. Provided research for internal rulemaking workgroup creating FIFRA regulations for genetically engineered crops, and drafted legal memoranda regarding Foreign Trade Zones, and the regulation of Plant-Incorporated Protectants.

ADDITIONAL EXPERIENCE

Freelance Writer - Washington, DC Publications include The Washington Post, DC magazine, Healing Lifestyles & Spas magazine. October 2003 - present Georgetown University Press, Publicist - Washington, DC Feb. 2005 - May 2007 Virginia Quarterly Review, Public Relations Consultant - Charlottesville, VA Oci. 2003 - Feb. 2005 Greenpeace, Lead, Communications Team, Climate Change - Washington, DC May 2002 - Oct. 2003 Greenpeace, Lead, Campaign Team, Genetic Engineering - San Francisco, CA Council for Responsible Genetics, Program Director - Cambridge, MA June 2000 - May 2002 Jan. 1998 - June 2000

SELECTED PUBLICATIONS

Book: Genetically Engineered Food: Changing the Nature of Nature, Park Street Press, March 2001.

Book Chapter: Redesigning Life, Zed Books, April 2001.

White Paper: World Trade, Food and Agriculture, published by Heinrich Boell Foundation, 2001.

GRC-EN GS-12

Christina T. Kracher

BAR MEMBERSHIP

New Mexico State Bar, April 2009 Federal District Court of New Mexico Northern Cheyenne Tribal Court Crow Tribal Court

EDUCATION

University of New Mexico School of Law J.D. - 2008

ALBUQUERQUE, NM

- Indian Law Certificate
- Managing Editor and Special Projects Editor, Tribal Law Journal
- Relevant Courses: Federal Public Lands, Federal Jurisdiction, Specialized Legal Research in Natural Resources, Indian Law, Native American Natural Resources

EXPERIENCE

Associate Attorney Elk River Law Office, P.L.L.P., Billings, MT

OCT. 2009 - PRESENT

- Commencing fee to trust land acquisition process on behalf of tribal governments.
- Assisting Tribes is assessing baseline air quality monitoring capabilities and commencing process of obtaining Treatment as State (TAS) status.
- Advising Tribal governments on obtaining regulatory authority and requirements for developing Tribal Implementation Plans (TIPs).
- Serving as special counsel and representative on Interagency Bison Management Partnership.
- Advising on various national parks issues including surplus bison management and treaty rights.

Graduate Assistant

Environmental Protection Division: Ecology and Air Quality Group Los Alamos National Laboratory (LANL), Los Alamos, NM

JUNE 2004 - OCT. 2009

- Analyzed radionuclide air emissions and beryllium programs for Clean Air Act and regulatory compliance vulnerabilities pertaining to Los Alamos National Laboratory (LANL) beryllium machining operations.
- Reviewed plans and procedures for LANL radiological air sampling network.

- Reviewed and analyzed Quality Assurance Project Plan for LANL Rad-NESHAP Program to ensure compliance and consistency with ANSI standards as well as CAA and state regulatory requirements.
- Assisted Air Quality program management and technical staff in Title V Operating Permit renewal process.

Student Attorney

University of New Mexico Southwest Indian Law Clinic

MAY 2008 - AUG. 2008

- Responsible for juvenile defense, child custody and support, conservatorship, and housing cases on behalf of Native American clients.
- · Researched and drafted numerous pleadings and memoranda.
- Represented clients in New Mexico Second Judicial District Court.
- Advised and assisted Piro Manso Tiwa Tribe on federal recognition petition and process.

Judicial Clerk

Navajo Nation Supreme Court, Window Rock, AZ

JAN. 2008 - MAY 2008

- Researched and analyzed various issues in context of Navajo customary law including juvenile court jurisdiction, products liability and judicial review.
- · Drafted numerous memoranda.
- Reviewed tribal codes with an emphasis on customary law.

OTHER EXPERIENCE

Bureau of Land Management Biological/Cultural Specialist, Salmon, ID

JUNE 2003 - MAY 2004

- Prepared water rights claims pursuant to Snake River Basin adjudication.
- Advised staff on Native American cultural issues in controversial natural resource management affairs; assessed needs for tribal involvement in various field office projects.
- Collaborated with tribal members, local officials and BLM staff in development of Sacajawea Cultural and Interpretive Center.

Environmental Protection Agency Water Quality Intern, Pendleton, OR

MAY 2002 - AUG. 2002

- Initiated surface water quality monitoring plan for Confederated Tribes of the Umatilla Indian Reservation in accordance with Clean Water Act.
- Conducted community outreach initiative with tribal residents and elders to assess public perceptions of water quality and resources concerns on the reservation.

AFFILIATIONS AND ACTIVITIES

- Article Writer New Mexico State Bar Natural Resources Section
- Student Liaison New Mexico State Bar Indian Law Section

RESUME

Position:

Announcement:

Senior Debarring Official EPA-SL/ST-2014-0002

Name:

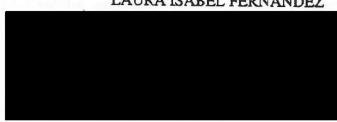
SSN:

Address:

Home Phone Number: Work Phone Number: Cell Phone Number:

Email:





SUMMARY OF QUALIFICATIONS

An eminently qualified attorney with over 20 years experience in litigation and administrative practice, environmental law, and teaching. Nine years of highly specialized experience in suspension and debarment with three of the most prestigious suspension and debarment programs in the federal government. Currently serving as EPA's acting senior debarring official.

EXPERIENCE

August 2010 to present:

US EPA, 1300 Pennsylvania Ave, Washington, D.C.

20004

Titles:

Acting Suspension and Debarment Official Suspension and Debarment Hearing Officer

Grants Competition Disputes Decision Official

(Civilian)

GS-0905

Supervisor:

Howard Corcoran

Director Office of Grants and Debarment.

Grade: 15 step 7

As the acting suspension and debarment official (SDO), entrusted with exercising the agency's inherent authority to suspend or debar nonresponsible participants under the Nonprocurement Common Rule, the Federal Acquisition Regulation, and the Clean Water and Clean Air Acts. As Suspension and Debarment Hearing Officer, served as primary programmatic and legal advisor to the permanent SDO. Integral to developing and implementing EPA debarment policy. Essential team member playing pivotal role in widely recognized success of EPA's debarment program. Manage and train acting hearing officer, program analyst, and legal interns. Uncontested expert in the field: senior adjunct faculty member with Federal Law Enforcement Training Center (FLETC). Suspension and debarment instructor for the IG community. Exercise sound judicial temperament as an agency Grants Competition Disputes Decision Official. Represent the agency in leadership positions within external organizations. Additional duties include EPA representative to the Bowie State University (BSU) College of Business Advisory Board, mentor for BSU, Hispanic Employment Program Manager (temporarily suspended until the manpower

shortfall created by the retirement of the previous SDO is resolved), and master of ceremonies for EPA's 2013 celebration of Hispanic Heritage Month.

May 2011 to present:

514 AMW/JA, McGuire AFB, NJ 08641

Title:

Staff Judge Advocate (SJA)(Reservist)

Supervisor:

Colonel Michael Underkofler

Wing Commander,

Senior attorney to one of the Air Force's largest reserve wings. Advise wing and subordinate commanders on all aspects of operations, including criminal, personnel, operational, environmental, and ethics. A member of the senior staff and an indispensable team member on a wide variety of projects and initiatives, such as unit inspections, support to civilian authorities, and resource allocation. Manage wing's legal services and supervise, mentor, and train 2 attorneys and 3 paralegals. Collaborate with active duty and civilian counterparts, investigators, auditors, human resources, and other subject matter experts.

June 2008 to

Supervisor:

Defense Logistics Agency

August 2010:

8725 John J. Kingman Rd, Ft Belvoir, VA 22060

Title:

Associate General Counsel (Civilian)

GS-0905

Fred Pribble, SES, General Counsel & Debarring

Official,

Legal advisor to the agency SDO. Advise on all matters related to debarment, procurement fraud, and False Claims Act (FCA) litigation. Negotiate administrative agreements. Agency liaison with Department of Justice and investigative agencies, ensuring adequate support to investigations and litigation. Guide field counsel on management of cases and provide leadership to agency's Business Integrity Committee. Represent the agency on federal and nongovernmental organizations. FLETC adjunct faculty member.

July 2005 to June 2008:

Air Force General Counsel

1235 S. Clark St., Ste 301, Arlington, VA 22202

Title:

Associate General Counsel (Civilian)

GS-0905

Grade: NSPS YA-3

Grade: 15 step 6

Grade: Lt Colonel

Supervisor:

Steven Shaw, SES, Debarring Official (retired),

Advisor to the AF SDO on all matters related to debarment and procurement fraud. Led initiative to redefine organization's mission and identify efficiencies. Responsible for management and negotiation of the most complex cases. Manage and mentor a paralegal. Daily interaction with DOJ and agency counsel, private bar, investigators, and auditors. Chair of the DoD Procurement Fraud Working Group Legislative Committee and member of the National Procurement Fraud Task Force Legislative Committee. FLETC adjunct faculty member.

July 2005 to May 2011:

ACC/JA, 114 Douglas Drive, Suite 114, Langley

AFB, VA 23665

Title:

Assistant Judge Advocate (Reservist)

Supervisor:

Colonel Karen Mayberry, Deputy SJA,

Grade: Lt Colonel

Advise on the full spectrum of legal issues affecting Air Combat Command (ACC) headquarters and its installations, including the most complex environmental, ethics, contracting, fiscal, criminal, FOIA, operational, and personnel matters. Assist in developing and implementing ACC policy and guidance. Mentor peers, junior attorneys and paralegals.

May 2003 to July 2005:

89 AW/JA, 1535 Command Drive

Title:

Andrews AFB MD 20762 Attorney-Advisor (Civilian)

GS-0905

Supervisor:

Colonel Thomas Hasty, SJA,

Grade: GS-13 step 5

Grade: Major

Advise the equivalent of a small municipality by providing timely and expert legal counsel to respond to unexpected challenges. Advance the installation's interests in interactions with state and federal environmental regulatory agencies, third parties, and agency employees. Agency representative in hearings before the Equal Employment Opportunity Commission and the Merit System Protection Board. Outstanding Hispanic executive employee in 2003.

April 2003 to July 2005:

Secretary of the Air Force Personnel Council

1535 Command Drive Andrews AFB MD 20762

Title:

Legal Advisor/Council Member (Reservist)

Supervisor:

Colonel Thomas Jaster, Sr. Legal Advisor(retired).

Member and legal advisor to the Personnel Council, the body that acts on behalf of the Secretary of the Air Force in administrative appeals of personnel, legal, and medical actions. Review and analyze records of administrative proceedings to determine whether members were ensured procedural and substantive due process rights. Present cases to the Personnel Council, conduct examination of respondents and witnesses, and draft the Council's recommendations and final Secretarial action. Actively engage in the deliberative process as a voting Council member. Scrutinize administrative records for procedural errors, abuse of discretion, or other grounds for relief. Organize a multi-state CLE conference on behalf of the Air Force Judge Advocate General in 2003.

Grade: Major

Grade: Captain

Grade: Captain

June 1999 to April 2003:

USAF Academy, 2354 Fairchild Dr., USAFA Colorado

80840

Title:

Assistant Professor of Law (Active Duty)

Supervisor:

Colonel Paul Pirog, Department Head,

Air Force Academy law faculty member. Director of core law course with over 700 students, supervising 10 faculty members, and earning the highest student ratings. Acting deputy department head, budget officer, mentor, curriculum developer, ethics advisor, Latin American Studies Group chair, and officer in charge of the cadet Hispanic club. Escort for official foreign travel, official Spanish interpreter for the Superintendent, and member of a panel advising the Columbian Air Force regarding the inclusion of women in the Air Force. Instructor for a course on the rule of law taught in Spanish to Latin American military at the Inter-American Air Force Academy.

June 1996 to June 1999:

30th SW/JA, 747 Nebraska Ave

Vandenberg AFB, CA 93437

Title:

Chief of Military Justice, (Active Duty)

Supervisor:

Colonel David Rathgeber, SJA, (retired)

Advise all levels of command and senior attorneys regarding local disciplinary matters while managing a staff of two attorneys, three paralegals, a victim-witness advocate, and a court reporter. Serve as trial counsel in the most complex cases and responsible for training junior attorneys in trial advocacy. Represent the agency before the Merit System Protection Board.

June 1995 to June 1996:

AF Legal Services Agency

7383 N. Litchfield Rd, Luke AFB, AZ 85309

Title:

Defense Counsel, (Active Duty)

Colonel Eric Weiss, Sr Defense Counsel, Supervisor:

Manage a defense legal services office and supervise 1 paralegal. Advise clients on disciplinary and other adverse agency actions; serve as trial defense counsel. Interact with all levels of command and Air Force legal offices, negotiate favorable terms in both criminal and administrative proceedings.

November 1992 to June

56th FW, 7383 N. Litchfield Rd

1995:

Luke AFB, AZ 85309

Title:

Asst Chief Military Justice, (Active Duty)

Supervisor:

Colonel Victor Donovan, SJA (retired),

Grade: Captain

Perform a wide variety of criminal and civil law functions, including trial counsel, investigating officer, and government representative in a variety of administrative proceedings. Author numerous written opinions interpreting cases, statutes, regulations, and other sources of law.

DEGREES:

Degree:

Discipline:

Honors & Distinctions:

Institution:

Degree: Discipline:

Institution: Honors & Distinctions: Master of Laws (conferred May 2002)

Natural Resources, Environmental Law and Policy

University of Denver School of Law

Scholastic excellence (International Advocacy; Water Law)

Juris Doctor (conferred May 1992)

Law

University of California, Los Angeles Scholastic achievement, teaching assistant

ADDITIONAL DUTIES

Adjunct instructor:

Federal Law Enforcement Training Institute (FLETC), 2006 to present IG Academy and Council of the Inspectors General on Integrity & Efficiency, 2011 to present

Bowie State University College of Business Advisory Board member, 2012 to present Mentor, 2011 - 2012

Hispanic Employment Program Manager, OARM, 2011 – 2013

The Practitioner's Guide to Suspension and Debarment (ABA Debarment and Suspension Committee) co-editor of new edition in progress

CIVILIAN AWARDS/ACCOMPLISHMENTS

- Leadership for a Democratic Society (Federal Executive Institute, OPM) completed March 2013
- Bronze Medal for Exceptional Service (EPA) for contributions to IG Academy, 2013
- One EPA Award for contributions to the EPA Suspension and Debarment Team, 2013
- Special Act Award (DLA) for contributions in a case involving a major contractor, 2010
- Certificate of Appreciation (FLETC) for contributions as an adjunct faculty member, 2010
- Outstanding Hispanic Executive Employee Andrews AFB, MD, 2004
- Annual awards –2004 through 2013

BAR MEMBERSHIP AND PROFESSIONAL ASSOCIATIONS

- Arizona (Bar # 014421) active; member in good standing since 1992
- California (Bar # 250421) inactive; member in good standing since 2008
- Admitted to practice in the United States District Court for the District of Arizona
- Interagency Suspension and Debarment Committee
- ABA Debarment and Suspension Committee

ADDITIONAL INFORMATION

- · Secret security clearance
- 10 point veteran's preference (documentation attached)

REFERENCES

Experience:

U.S. Environmental Protection Agency, Washington, DC

Law Clerk, Office of Enforcement and Compliance Assurance, Office of Site Remediation Enforcement, Regional Support Division, January 2010 - present

- Draft and review model documents, fact sheets and memoranda relating to environmental claims in bankruptcy proceedings and financial assurance requirements under CERCLA and RCRA
- Research federal and state statutes and regulations on environmental law and bankruptcy law issues
- Provide legal support to the regional offices' enforcement actions

U.S. House of Representatives, Washington, DC

Graduate Fellow, Committee on Energy and Commerce, Subcommittee on Energy and the Environment, January 2010 - April 2010

Performed research and analysis, assisted in reconciliation of Senate and House bills, coordinated outreach efforts, and drafted presentations and fact sheets, on legislative and policy issues relating to the commodity derivatives market reform, carbon finance market and clean energy financing initiatives

National Wildlife Federation, Washington, DC

Pro Bono Attorney, Global Warming Policy and International Affairs, September 2009 - December 2009

- Researched, wrote and edited reports on carbon allowances and derivatives trading, offshore drilling and renewable energy development, and international deforestation avoidance financing schemes
- Attended congressional briefings and hearings, assisted lobbying efforts, and monitored legislative updates relating to the carbon finance market, derivatives market reform and clean energy legislation

Moody's Investors Service, New York, NY

Vice President/Senior Analyst, Corporate and Commercial Real Estate Finance, March 2006 - May 2009

- Reviewed and negotiated credit and loan agreements, pooling and servicing agreements, guarantees and various transactional documents, and researched and published rating methodologies, for corporate and REIT bond issuances and commercial real estate finance transactions
- Provided legal advice to quantitative analysts on securities law, bankruptcy law, corporate bond covenants and general corporate governance matters

Weil, Gotshal & Manges LLP, New York, NY

Finance Associate, February 2002 - March 2006

- Represented underwriters, monoline insurers and investors in receivables financing transactions, assetbacked lending transactions and cross-border tax transactions
- Drafted and negotiated debt offering documents, credit and loan agreements, insurance documents, securities law filings, UCC filings, legal opinions and various transactional documents

Sidley Austin LLP, New York, NY

Finance Associate, June 2000 - February 2002

- Represented real estate investment trusts, underwriters, monoline insurers, asset managers, lenders and borrowers in commercial real estate lending transactions and credit derivative transactions
- Drafted and negotiated credit and loan agreements, insurance documents, securities law filings, UCC filings, legal opinions, ISDA documentation and various transactional documents

Mayer Brown LLP, New York, NY

Corporate Associate, September 1998 - June 2000

- Represented underwriters, U.S. and international corporations, and private equity firms in mergers and acquisitions, initial public offerings, high yield debt offerings and going private transactions
- Drafted and negotiated debt and equity offering documents, merger agreements, stock/asset purchase agreements, stock option and shareholders agreements, securities law filings and UCC filings

LULU Y. CHENG

Education:

The George Washington University Law School, LL.M. Government Procurement and Environmental Law (part-time evening program beginning in January 2010), expected 2011

- District Department of the Environment, Pro Bono Attorney
- D.C. Office of the Attorney General, Commercial Division Tax, Finance and Real Estate Transactions,
 Pro Bono Attorney
- DC Bar CLE course, "Fundamentals of Administrative Law Practice"

Bar Admissions:

Admitted to New York State Bar, February 1999 Admitted to the District of Columbia Bar, May 2010

Languages:

Appellate Division of the Supreme Court of the State of New York **First Judicial Department**

I, Babid Spokony, Clerk of the Appellate Division of the Supreme Court of the State of New York, Nirst Judicial Department, certify that

LULU YI-JU CHENG

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on February 1, 1999, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has buly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

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> > May 4, 2010

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Matthew K. Bogoshian

2007-present	Deputy Secretary for Law F
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Appointed by Governor Art

Deputy Secretary for Law Enforcement and Counsel Appointed by Governor Arnold Schwarzenegger California Environmental Protection Agency

1995-2007 Deputy District Attorney and Lead Environmental Prosecutor
Monterey County District Attorney's Office

1992-1994 Associate Attorney, Briggs and Alexander, Anaheim, California

1989-1992 U.S. Navy JAG Corps Officer, prosecutor and command advisor to multi-

agency counter-narcotics task force, Top Secret SCI Clearance

1984-1985

Employment

Present Job Description

As Cal EPA's chief counselor and law enforcement official, I am responsible for ensuring that California's numerous environmental agencies take consistent, effective and coordinated actions to protect public health and the environment. I created and now lead a multi-agency group within California to address legal and enforcement issues related to the implementation of California's cap and trade system to reduce greenhouse gas emissions. I also created and now lead the Western Climate Initiative Legal Advisory Group made up of representatives from the 11 partner jurisdictions to address those same issues on a regional basis with potential integration into national and international cap and trade systems. Cal EPA is the Governor's cabinet level agency composed of six constituent state agencies and thousands of employees. The Cal EPA agencies include the California Air Resources Board (ARB which is the agency charged with implementing CA's Greenhouse Gas Reduction law), State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards (RWQCBs) and the Integrated Waste Management Board (IWMB) under an umbrella agency with the newly created Department of Toxic Substances Control (DTSC), Office of Environmental Health Hazard Assessment (OEHHA) and Department of Pesticide Regulation (DPR).

Education

1988 Juris Doctorate, University of California, Davis

Prosecuted Environmental Cases of Note

2007 People v. The Home Depot for failure to properly handle hazardous materials and hazardous wastes. Statewide case in conjunction with numerous counties and the CA Attorney General resulted in a \$10 million settlement and a permanent injunction

2007 People v. Autozone for failure to properly handle hazardous wastes. Statewide case in conjunction with numerous counties and the CA Attorney General resulted in a \$1.5 million settlement and a permanent injunction

2006 People v. AT&T for underground storage tank violations. Statewide case in conjunction with numerous counties and the CA Attorney General resulted in a \$25 million settlement and a permanent injunction, second largest settlement of its kind in nation's history

2006 People v. Color-Spot Nursery for illegal handling and disposal of asbestos resulted in \$600,000 civil law enforcement settlement

2006 People v. Daren's Berries for illegal release of pesticides into a nearby neighborhood. The civil prosecution led to a \$180,000 resolution and permanent injunction

2006 People v. Premium Fresh Farms for failure to report the release of ammonia exposing workers to a hazardous material

2006 People v. Ekezian criminal conviction for a waste water treatment plant operator operating the plant without a license

2006 People v. Amaral Farms for activity in the Salinas River and underground storage tank violations. Criminal and civil prosecution led to jail time and a \$152,000 civil settlement

2006 People v. DMC Construction for the illegal handling and dumping of asbestos into the land fill

2006 People v. Pacific Gold Farms for the failure to prevent soil erosion from farmland

2006 People v. King City for the municipal failure to clean up hazardous wastes and train city employees to comply with the law. \$500,000 resolution included a permanent injunction, penalties and measures to ensure compliance

2005 People v. Aera Energy (owned by Shell and Exxon) for failure to follow Water Board orders to report on consequences of oil well water system breach led to \$140,000 resolution and permanent injunction.

2005 People v. Lenscrafters multi-jurisdictional prosecution for failure to notify officials of treatment and dumping of hazardous wastes.

2005 People v. Monterey County Petroleum for the failure to report the release of 900 gallons of fuel. The criminal and civil prosecution resulted in probation, injunctions and the payment of \$247,000

2004 People v. California American Water for hazardous material reporting violations. The prosecution resulted in \$181,000 resolution and permanent injunction.

2004 People v. 7-Eleven for underground storage tank violations in conjunction with the CA Attorney General and San Joaquin County District Attorney resulted \$15,000,000 total settlement and permanent injunction

2004 People v. Jose Perez for dumping hazardous waste resulted in felony conviction, jail and probation.

2003 People v. Duke Energy and People v. Earth Tech for worker safety and hazardous materials violations associated with a large oil fire. Result was a \$2,000,000 resolution with permanent injunctions.

2003 People v. Thrifty Best for illegal grease waste hauling in conjunction with eight other CA county prosecutors resulted in \$900,000 resolution and permanent injunction

2002 People v. Tony Shade, Peninsula Auto-wreckers for illegal disposal of hazardous waste. Resolution included felony conviction, jail time, civil penalty and permanent injunction.

NAME: Matthew Bogoshian



Salary History

September 2007-present: Deputy Secretary Cal EPA \$122,000 annual salary or \$10,166 a month.

January 1995-September 2007: Deputy District Attorney \$132,996 or \$11,083 a month.

March 1992-July 1994: Briggs & Alexander Law Firm

MEETU KAUL

LEGAL EXPERIENCE

ARNOLD & PORTER LLP, Washington D.C.

Environmental Associate, 2006 to present; Summer Associate, 2001

<u>Litigation</u> – Currently represent an oil company in separate litigations with the United States and with a municipal agency regarding remediation of petroleum contamination and related damages alleged to have resulted from client's refinery operations. Day-to-day responsibilities involve all aspects of the litigation including: manage discovery; draft pleadings, motions and briefs, including briefing arguments concerning issues of first impression; manage experts; prepare witnesses; take and defend depositions; and participate in settlement and mediation conferences.

<u>Contaminated Sites</u> – Represent clients in CERCLA proceedings concerning former industrial sites and hazardous waste disposal sites. Negotiate with federal regulators and other potentially responsible parties on issues of liability and the allocation of cleanup costs; provide strategic advice on the structuring of remediation efforts; and advocate for the best interests of clients.

Enforcement – Represented a major railroad company in a state enforcement action brought in response to a discharge of pollutants into a water body resulting from a derailment accident. Investigated the incident, negotiated a settlement with the regulatory agency, and drafted and negotiated a consent decree. Served as a member of a team conducting an internal investigation of a multinational company regarding alleged fraudulent pesticide registrations and misuses of pesticides under FIFRA. Represented a Fortune 500 company in the investigation of historic arsenic contamination of a public park and adjacent residential area.

<u>Due Diligence</u> – Evaluate environmental liabilities and assess risks in a variety of domestic and international transactions. Provide strategic advice on minimizing, managing and allocating environmental liabilities. Negotiate and draft contractual language.

<u>Pro Bono</u> - Conducted a national teleconference training on emerging trends in Natural Resource Damage cases. Member of a small team that successfully challenged a Department of Interior rule allowing 720 snowmobiles per winter day into Yellowstone National Park on behalf of the National Parks Conservation Association.

CLEARY GOTTLIEB STEEN & HAMILTON LLP, Washington D.C.

Associate, October 2002 - July 2006; Summer Associate, 2001

Provided regulatory compliance counseling to national and multinational companies on federal and state environmental programs with a concentration on RCRA, EPCRA, and Clean Water Act issues. Evaluated environmental liabilities and advised clients on managing environmental risks in a variety of domestic and international transactions. Tracked and assessed regulatory developments under the Clean Water Act for trade association client and drafted comments for submission to the EPA on rulemakings. Assisted clients in permit proceedings, internal investigations of potential regulatory violations, and reporting and security disclosure obligations.

ENVIRONMENTAL LAW INSTITUTE, Washington D.C.

Law Clerk, Summer 2000 (Researched and drafted memoranda on various issues)

SCANNED

MAR. 0 9 2011

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Social Security Number:

ADDITIONAL ENVIRONMENTAL EXPERIENCE

ENVIRONMENTAL STRATEGIES CORPORATION, Reston, VA

Environmental Scientist, May 1997 - July 1999

Conducted environmental compliance audits for manufacturing facilities and hazardous waste treatment, storage, and disposal facilities. Performed Phase I Environmental Site Assessments. Structured and performed Phase II Environmental Site Investigations. Advised clients on a range of other environmental matters including permit applications, hazardous waste contingency plans, storm water pollution prevention plans, and spill prevention control and countermeasures plans.

BOOZ-ALLEN & HAMILTON, INC., Arlington, VA

Senior Information Specialist: RCRA, Superfund & EPCRA Hotline, June 1995 - May 1997 Provided regulatory guidance to industry, government agencies and the public regarding RCRA. Trained EPA employees and consultant staff on various aspects of the RCRA program.

UNIVERSITY OF MICHIGAN, Ann Arbor, MI Electrical Engineering and Computer Science Department Field Work Assistant, Summer 1994 (Led student teams in conducting a biometric survey of forest growth)

MICHIGAN DEPARTMENT OF NATURAL RESOURCES Summer Intern, 1991, 1992, 1993 (Land Water Management Division and Office of Litigation)

EDUCATION

University of Virginia School of Law, Charlottesville, VA J.D. May 2002 Hardy Cross Dillard Teaching Fellow (Legal Research & Writing) Virginia Journal of Environmental Law, Editorial Board

BAR MEMBERSHIP

Admitted to practice in Maryland and the District of Columbia

OTHER INTERESTS AND ACTIVITIES



District of Columbia Court of Appeals Committee on Admissions 430 F Street, N.W. — Room 123 Mushington, D. C. 20001 202/879-2710

I, JOY A. CHAPPER, Acting Clerk of the District of Columbia Court of Appeals, do hereby certify that

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was	on th	e	10 TH	day of	М	AY,	2004					
duly	/ qual	lified	and	admitt	ed as	an	atto	rney	and	coun	selor	and
enti	tled	to p	racti	ce befo	ore th	is	Court	and	is,	on	the	date
indi	cated	below	v, an	active	member	in	good	stand	ling (of th	is Ba	ır.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on June 23, 2010.

JOY A. CHAPPER, ACTING CLERK

By:

Deputy Clerk



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MATTHEW B. MILLER

2209 Hancock Drive #26, Austin, TX 78756 (504) 400-4550 | mmiller113@gmail.com

EDUCATION

TULANE UNIVERSITY LAW SCHOOL '10

J.D., Environmental Law Certificate

- · President, Tulane Environmental Law Society
- · Managing Editor, Tulane Environmental Law Journal
- Top Grades: Water Resources, Income Tax, Sustainable Energy, Hazardous Waste, Civil Procedure

LEGAL EXPERIENCE

Office of the Attorney General of Texas, Volunteer Attorney

May 2011 - Present

Assisting the Environmental Protection and Administrative Law division on a number of cases involving petroleum storage tanks, municipal solid waste, hazardous waste, colonias-prevention, water resources, and clean air.

Tulane Environmental Law Clinic, Student Attorney

Jan. 2009 - Feb. 2010

Frontline experience in federal environmental litigation. Represented a Greater New Orleans community in a Clean Air Act citizens suit against a petroleum company. Managed a case heavily rooted in evidentiary, procedural, and statutory complexities. Drafted pleadings, responses, and interrogatories; communicated with all parties; and assisted during depositions. Prevailed in summary judgment on standing and liability.

Texas Commission on Environmental Quality, Law Clerk

May 2009 - Aug. 2009

Drafted enforcement notes and analyzed hearing requests for the Office of General Counsel. Briefed Commissioners about legal actions of the agency. Tackled novel issues with research and Internal memos.

U.S. Environmental Protection Agency, Law Clerk, Region 6 (Dallas)

May 2008 - Aug. 2008

Assisted in drafting and reviewing proposed conditional approval of the Dallas/Fort Worth State Implementation Plan. Also aided in briefing the Regional Administrator and responding to public comments. Focus on the Clean Air Act, NEPA, and NPDES permitting.

MISCELLANY

Coalition to Restore Coastal Louisiana, Volunteer Coordinator

Apr. 2010 - Mar. 2011

Organized and participated in cleanup/restoration efforts at coastal areas severely damaged by the gulf oil spill.

Tulane Summit on Environmental Law & Policy, President

Aug. 2007 - May. 2010

Organized the largest environmental policy conference in the gulf-coast region. Served as President of the summit in 2009 and Chair of Finance and Social Media in 2010.

WTUL New Orleans 91.5 FM, DJ/show host

Aug. 2008 - May 2010

Hosted a weekly show, interviewed musicians and community members, and managed station music content.

Farm Sanctuary, Legal Extern

Sep. 2009 - Jan. 2010

Researched and coordinated a project concerning the agriculture exemption in federal anti-trust laws.

Energy Action Coalition, Regional Lead, Campus Climate Challenge

Aug. 2006 - May 2007

Performed emissions inventories on a number of major campus buildings and facilities, and presented findings and proposed solutions to students, personnel, and administrators through myriad journalistic and social media outlets.

BAR ADMISSIONS: Texas (Nov. 5, 2010)

INTERESTS:

Derek Mills

EDUCATION

Lewis & Clark Law School

Portland, OR

J.D., Certificate in Environmental & Natural Resources Law, May 2014, GPA:

- Outstanding Oral Advocacy Award 2012 First Year Moot Court Competition
- Pro Bono Honors Award 2012 & 2013

EXPERIENCE

State of Oregon Judicial Department, Lane County Circuit Court Judicial Clerk, January 2015 – Present

Eugene, OR

· Assist Judge Ilisa Rooke-Ley with all aspects of managing a varied criminal and civil court docket.

U.S. Department of the Interior (DOI), Office of the Regional Solicitor Law Clerk, September 2013 – May 2014

Portland, OR

- Drafted dispositive motions defending agency action before DOI's Office of Hearings and Appeals.
- Prepared request to U.S. Department of Justice for affirmative civil litigation.
- Drafted discovery requests and responses to discovery requests for administrative litigation.

U.S. Environmental Protection Agency, Office of Regional Counsel, Region 8 Law Clerk June – August 2013

Denver, CO

- Law Clerk, June August 2013
 Researched and drafted intra-agency memoranda assessing legal risk
 - Researched and drafted intra-agency memoranda assessing legal risk and potential litigation positions concerning proposed agency actions taken in accordance with the Clean Air Act, Safe Drinking Water Act, Administrative Procedure Act, Clean Water Act, NEPA, and associated federal regulations.
 - Drafted order for administrative enforcement action under supervision of Regional Judicial Officer.
 - Led client counseling sessions; advised EPA program officials on implications of laws and regulations.
 - Drafted Indian law memoranda regarding delineation of reservation boundaries and tribal trust doctrine.

Crag Law Center

Portland, OR

Litigation Intern, September 2012 – May 2013

• Drafted administrative appeals, complaints, and dispositive motions (summary judgment) for public interest litigation involving scientifically complex natural resource and environmental issues.

Environmental Law Alliance Worldwide

Eugene, OR

Legal Intern, June – August 2012

• Provided legal research and counseling assistance to public interest attorneys abroad involved in litigation concerning environmental protection, human health, human rights, and international law.

Northwest Environmental Defense Center, Lewis & Clark Law School Legal Researcher, September 2011 – May 2012

Portland, OR

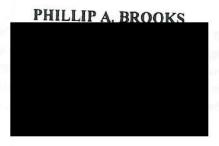
• Completed legal research and writing projects including commenting on public lands and water issues.

U.S. Department of the Interior, Bureau of Land Management Wildland Firefighter, May – October 2010 & 2009

Moab, UT & Rawlins, WY

U.S. Department of the Interior, Natl. Park Service, Rocky Mountain Natl. Park **Laborer**, June – August 2008 & 2007

Grand Lake, CO



PROFESSIONAL EXPERIENCE

United States Department of Justice Environmental Enforcement Section Washington, D.C.

1987 to Present

Counsel to the Chief

2002 to Present

Position involves management of specific high-visibility projects. Currently managing a team of approximately 25 attorneys and support personnel prosecuting the largest single enforcement initiative in the history of the Clean Air Act, commonly referred to as the "Power Plants Enforcement Initiative." This initiative focuses on modifications at numerous coal-fired power plants that triggered the Act's New Source Review provisions. In each of the actions filed or threatened the United States is seeking to, among other things, require the utilities to retrofit plants with current Best Available Control Technologies for emissions of SO₂, NO_x and/or PM. Proof in support of the claims includes extensive expert testimony on the quantification of emission increases and the adverse effects of power plant emissions on human health and the environment. Two liability phase trails have closed proof, one with a favorable decision and other is currently pending.

Although the United States has taken the lead in the cases it has been joined in one capacity or another by seven states, two local governments, several major non-governmental organizations, and numerous citizen groups. Communication and coordination among these groups is a major component of the management of this Initiative. This cooperative effort has already produced settlements that will result in substantial health and environmental benefits.

Senior Counsel

1989 to 2002

This position involved responsibility for some of the Department's most visible, politically sensitive, and important civil environmental prosecutions and negotiated dispute resolutions.

Extensive experience litigating and/or settling cases brought under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA" or "Superfund"), Resource Conservation and Recovery Act ("RCRA"), Clean Air Act ("CAA"), and Clean

Water Act ("CWA"), and the Natural Resource Damage ("NRD") provisions of several federal statutes. Most major cases involve multiple state and/or federal agencies. Settlements typically involve coordination of significant participation or input by states, local governments, community groups, and scientific associations. Lead Counsel in the trial of cases involving the CWA, RCRA, CERCLA, CAA, and other non-environmental laws.

Directed ground-breaking litigation under the NRD provisions of the CWA and the Marine Protection, Research, and Sanctuaries Act. Settlements resulted in funding for a project that successfully reestablished a sea bird population extirpated by an oil spill; establishment of a fund for the acquisition of habitat for endangered sea birds; development of biological criteria for the monitoring of aquatic ecosystem recovery; and completion of a watershed assessment that is currently the guiding document for selection of ecosystem enhancement projects in two stream systems heavily damaged by a massive discharge of acid mine drainage.

From its initiation in 1996 through successful completion in 1998, I was a central member of government's negotiating team in the acquisition of mining rights in the New World Mining District adjacent to Yellowstone National Park. End product resulted in avoidance of protracted litigation, buyout of private mining interests at fair market value, accommodation of State and Tribal interests, control of contaminated discharges from abandoned mining sites, and perpetual protection of the first the country's first National Park.

By request of the Assistant Attorney General, from December 1998 through August 2001, I played a major role in the defense of an action involving a certified class of 500,000 members seeking a recovery in excess of \$27 billion in connection with trust funds managed by the Department of the Interior.

Special Assignments

Department representative to the Subcommittee on Toxic Substances and Hazardous and Solid Waste, Committee on Environment & Natural Resources, established by the National Science & Technology Council. Committee tasked to develop for FY 1996 Budget, a government-wide integrated strategy for funding of research and development projects relating to an array of environmental matters. Lecturer, 1993 Environmental Enforcement Conference -- "Takings Implications of Environmental Regulations and Cleanup Related Actions by the Environmental Protection Agency."

Awards and Recognitions.

John Marshall Award 2008 and 2000 (Departments' highest career attorney award). Muskie-Chafee Award 2005 (Environment and Natural Resources Division's highest award). Department of Justice Special Commendations 1989, 1991, 1997 and 2003 for

litigation achievements. Environmental Protection Agency Superfund Team of the Year Award 1991.

Denver University College of Law Denver, Colorado.

Spring Semester 1993

Lecturer in Law. While on sabbatical from the Department of Justice, taught advanced course on hazardous waste litigation in the Environmental Law Section of the Denver College of Law.

Commodity Futures Trading Commission Washington, D.C.

1984 to 1987

Trial Attorney. Investigated and prosecuted complex civil enforcement cases involving fraud in connection with trading of commodity futures. Cases involved fraud relating to financial futures trading by financial institutions and nation-wide public solicitation schemes.

Frost, Brown, & Todd (Formerly Brown, Todd & Heyburn)
Louisville, Kentucky.

1982 to 1984

Associate. Member of the litigation Section of this 80 lawyer firm. Handled prosecution and/or defense of tort, commercial, labor, business, and ERISA (pension fund) actions. Extensive deposition practice. Federal and state court trial experience (first and second chair). For fee and pro bono criminal defense work.

Office of the Commonwealth Attorney Lexington, Kentucky.

Spring 1982

Practicing Intern. Tried felony matters in a "Third Year Practice Program."

EDUCATION

University of Kentucky Lexington, Ky.

J.D. 1982

Law Journal; National Moot Court Team.

MANDATORY TECHNICAL FACTORS

Mandatory Technical Factor No. 1 - Experience with Federal environmental protection laws, civil and criminal regulations and programs including extensive experience with administrative and judicial process.

I have been a practicing lawyer for twenty seven years, twenty two of which have been devoted to enforcement of environmental laws on behalf of the United States. I have successfully handled cases involving every major environmental statute. The last eitht years of my career have been devoted to prosecutions of violations of the Clean Air Act. As a Counsel to the Chief, in the Environmental Enforcement Section at the Department of Justice, I manage the entire Power Plants Initiative litigation in the federal courts. In this role I have managed a team of up to 25 lawyers and 10 support personnel. I have also been personally involved in the trial of every power plant case we have brought to trial.

I have extensive experience litigating and/or settling cases brought under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA" or "Superfund"), Resource Conservation and Recovery Act ("RCRA"), Clean Air Act ("CAA"), and Clean Water Act ("CWA"), and the Natural Resource Damage ("NRD") provisions of several federal statutes. I have directed ground-breaking litigation under the NRD provisions of the CWA and the Marine Protection, Research, and Sanctuaries Act. Settlements resulted in funding for a project that successfully reestablished a sea bird population extirpated by an oil spill; establishment of a fund for the acquisition of habitat for endangered sea birds; development of biological criteria for the monitoring of aquatic ecosystem recovery; and completion of a watershed assessment that is currently the guiding document for selection of ecosystem enhancement projects in two stream systems heavily damaged by a massive discharge of acid mine drainage.

I have tried as many, if not more, civil environmental cases in federal court than anyone at the Department of Justice. I have been lead counsel in many significant environmental cases. I have also worked with the Environmental Crimes Section to review four different environmental cases for potential criminal prosecution.

By request of the Assistant Attorney General, from December 1998 through August 2001, I played a major role in the defense of an action involving a certified class of 300,000 members seeking a recovery in excess of \$27 billion in connection with trust funds managed by the Department of the Interior.

Prior to working at the Department of Justice I prosecuted civil fraud cases for the Commodity Futures Trading Commission. These cases involved complex factual and regulatory matters in an administrative adjudicatory process. This practice required a comprehensive understanding of administrative practice and procedure.

Awards and Recognitions.

I have received significant awards and recognition for my work in environmental litigation. In 2008 I received the John Marshall Award for my work on U.S. v. American Electric Power Co., a case brought under the Clean Air Act. The John Marshall is the highest award given to career attorneys by the Department of Justice. In 2005, I received the Muskie-Chaffee Award, the highest Award given by the

Environment and Natural Resources Division, which is given to only one Division employee each year for contributions to the work of the Division. I Received a John Marshall Award in 2000 for my work on a complex trust case fr the Department of the Interior. I have also received numerous Department of Justice Special Commendations for litigation achievements in environmental cases. In 2008, I also received two Gold Medals for Exceptional Service from the Environmental Protection Agency.

Mandatory Technical Factor No. 2 - Substantive work experience dealing with enforcement of laws and regulations and resolving complex compliance and enforcement issues.

During my tenure at the Department of Justice, I have handled some of the most legally and factually complex environmental cases ever brought by the United States. Within a year of joining the Department took over and then tried the first multi-media case ever tried, U.S. v. Interstate Lead Co.. This case involved issues under three different environmental laws set against a backdrop of challenges to EPA laboratory testing results and questions about whether children in the area of a lead smelting facility had been affected by the releases of lead from an industrial facility or the locations where it had disposed of waste. Immediately upon the successful conclusion of that trial I was I was elevated to the position of Senior Counsel and assigned what was then arguably the largest Superfund case in litigation, U.S. v. Stringfellow.

The complexities of the Stringfellow case arose from a variety of factors. First, the sheer number of parties involved ensured that the matter would be complex. But that was only the beginning. At the time I took over the case, the law of Superfund was just being developed. My predecessor on the case had obtained some landmark legal decision, but it fell to me to move the case forward with application of fact to these legal standards. Complicating this effort was the backlog of document production that I inherited. The court in which the case was pending had ruled that the United States could take as long as it liked to produce records requested by the defendants, but that no action would be taken to actually resolve any claims until document production had been completed. I surveyed the document production effort involving at least a dozen outside contractor personnel and calculated that at the then current rate of production, it would take several years to complete. As long as the documents were in process, the defendants were under less pressure to negotiate. To get the litigation moving again, I revamped the document review and production process. I then set a deadline for production, which was met, allowing the case to move forward. This increased the pressure on the defendants and had the desired effect of forcing resolution of many issues.

In Cobell v. Babbitt, I was confronted with issues well outside my usual practice and as complicated as any litigation handled by the Department of Justice. This case is a class action brought on behalf of 500,000 beneficiaries of the Individual Indian Monies Trust, maintained by the Department of the Interior. I was called in when a court issued an order to show cause why the Secretaries of the Interior and Treasury should not be held in contempt for failure to produce certain records. I tried that case with about three weeks to prepare, including the Christmas and New Year holidays. In the course of preparing and trying this case I learned that the real problems in the case were far larger those at issue in the upcoming trial. In short, the case alleged a failure of the Departments of Interior and Treasury to provide an accounting of monies collected and disbursed in the name of individual Indians for over one hundred years. Government reports going back almost the entire hundred years decried the condition of the accounts and records. Reports contemporaneous with the contempt trial disclosed a system that allowed storage of records in barns with open roofs and in vermin infested warehouses. The scale of the problem was breathtaking.

This task would have been an enormous challenge for a well funded, properly staffed agency, with accumulated experience in providing such accountings. But given the absence of funding, staff and experience, many asserted that the task was impossible. As the defendant, however, the United States did not have the option of simply saying that the task was hopeless. The plaintiffs in the case would have accepted such a concession, but only if it would result in the payment of the amount they calculated was owed: approximately \$27 billion.

I organized a team to survey what was known about the history of the trust, the location of the records and possible approaches to the accounting. As discussed in Executive Core Qualification No. 1-Leading Change, I ultimately developed sufficient information to be able to recommend a course of action. This suggestion was adopted by the Secretary of the Interior and resulted in the establishment of a permanent office to address the accounting issues.

In the cases comprising the Power Plant Initiative, I have handled some of the most challenging issues myself. For instance, I have developed and presented at two jury trials the proof showing that refurbishment projects at power plants have resulted in increased annual emissions. I have presented at trial the epidemiological proof that the fine particulates formed in the atmosphere by power plant emissions have substantial adverse effects on public health, including increased mortality rates. I have addressed in trial technical issues regarding reliability of the electrical grid as well the results of a utility's modeling of its systems operation. All of these issues involved working with highly specialized experts, some of whom are the undisputed leaders in their field. All of these efforts required developing a sufficient understanding of the technical issue to credibly lead the expert through a direct examination, or even highlight for the court on cross examination the fallacies or omission in an opposing expert's testimony. All of these efforts required the ability to effectively communicate complicated matters to judges and juries.

<u>Mandatory Technical Factor No. 3</u> – Knowledge of the principles, concepts and practices of environmental management and pollution control techniques in a national regulatory context for one of more media areas.

I have extensive experience with the principles, concepts and practices of environmental management and pollution control in a variety of media and contexts. My initial introduction came in the course of handling cases brought under the Resource Conservation and Recovery Act (RCRA). In these cases I learned about the programmatic requirements facilities subject to RCRA, including the permitting, surface impoundment management, waste disposal practices, groundwater monitoring, insurance, closure and post-closure assurance requirements, emergency preparedness, reporting and remedial plan development. From having to explain these requirements to courts and from drafting consent decrees to bring facilities into compliance, I gained substantial knowledge of both pollution control techniques an environmental management practices at RCRA regulated facilities.

My understanding of the practical application of environmental management was enhanced by my extensive negotiation of the remedial actions in Superfund cases, There, the so called "ARARS" process requires that remedial actions conform to applicable or relevant and appropriate requirements of law. In the course of advising EPA on site-specific actions, and working out remedial work plans with defendants, I became familiar with the real-world complexity of compliance with the environmental regulatory framework for air, water and solid waste.

In the air context, I have now spent eight years dealing with the requirements of the New Source Review and New Source Performance Standards requirements. As an integral part of my work on cases within the Power Plants Initiative, I have become familiar with state and federal roles in permitting air emissions. I have also spent considerable time dealing with technical aspects of air emission controls, including, retrofitting of controls, removal efficiencies, technical feasibility and cost issues.

<u>Desirable Qualifications</u> – Experience in dealing with high-level officials in Congress, Federal, State or local governments, public interest groups, industry and/or the general public.

In connection with U.S. v Babitt, the largest class action ever filed against the United States, I worked directly and regularly with the principal Assistant Secretary of the Interior, the Assistant Secretary for Indian Affairs, a Deputy Assistant Secretary and other top management at the Department of the Interior. On several occasions I met directly with Secretary himself. In all of these interactions, my advice and counsel was sought and given routinely. In fact, my initial assignment by the Department of Justice was extended in response to a request form the principal Assistant Secretary that I work with him on this case. In addition to Interior Management, this case also required that I work directly with the Fiscal Assistant Secretary and General Counsel of the Department of the Treasury. This close and collaborative working relationship continued for over a year, requiring numerous meetings in both large groups and one on one.

In connection with the acquisition of mining rights in the New World Mining District, just outside Yellowstone National Park I frequently met with the Chair of the White House Council on Environmental Affairs, as well as the Associate Attorney General of the United States. As an integral part of the negotiation and legal team, I was frequently asked to provide briefings on status and suggestions for future courses of action. I also participated in meetings with the Governor of the State of Montana and other high-ranking state officials to garner the State's support for the deal. The end result was a deal that met or exceeded the original goals.

My case work has routinely required that I deal with high-level corporate officials. I have frequently negotiated directly with General Counsels, Presidents and Chief Executive Officers and other top management officials in large public and private corporations. My experience has been that matters are often resolved more quickly when I deal directly with high-level corporate officials. I have demonstrated an ability to foster enough trust to allow for meaningful dialogue.

My direct negotiations with high-level corporate officials have produced some notably innovative results. For example, In U.S. v Southern Ohio Coal Company, I convinced an Executive Vice President for the parent company, American Electric Power Company, to agree to the first-ever use of biological criteria as the standard for measuring recovery of a stream ecosystem damaged by the Company's discharges. In U.S. v. East Kentucky Power Cooperative., I convinced the CEO of the Company to resolve claims for civil penalties by paying a lump sum when the settlement was entered, and paying future amounts based upon the financial condition of the Company. What these two very different cases had in common was direct involvement of corporate decision-makers with whom I could talk directly. Both settlements were accomplished in remarkably a short time.

Narrative Statement of Phillip A. Brooks
Application for Director, Air Enforcement Division,
Office of Civil Enforcement Office of Enforcement and Compliance Assurance Vacancy
Announcement Number: EPA-09-SES-OECA-6467

Executive Core Qualification No. 1 - Leading Change

For the past eight years I have managed and led the Power Plants Initiative, the largest environmental enforcement initiative ever undertaken by the Environmental Enforcement Section, the Environmental Enforcement Section is the office within the United States Department of Justice (DOJ) charged with, among other things, enforcement of the Nation's environmental laws in the federal courts.

The Power Plants Initiative refers to a series of cases to address wide-spread non-compliance with the New Source Review provisions of the Clean Air Act (CAA) by the coal-fired utility industry. Working closely with Headquarters and Regional offices of the Environmental Protection Agency (EPA), DOJ brought suit against electric utility companies that had refurbished old plants, resulting in significant emissions increases. Because of the impact of power plant emissions on public health and the environment in downwind states, many of these cases were joined by the northeastern states and various citizens' groups including large national organizations as well as small, local organizations.

In 2001, I was asked to take over the management of all of the cases in the Initiative because of my demonstrated competence in leading trial teams; my prior successes in coordinating large and diverse groups to achieve a common goal; and because of my ability to develop and implement effective strategies under difficult circumstances.

My first challenge in the Initiative was to educate myself about the electric utility industry, the relevant environmental and non-environmental laws that affect and motivate electric utilities and the facts of each case. It was also necessary for me to develop insights into the varied goals and capabilities of the state and non-governmental entities that had joined EPA the litigation. The interest of each of these entities varied based upon the impact of each power plant on their constituents. In addition to the expected complexity of major litigation, the push from some elements within the government for major policy changes in New Source Review added another factor to be considered in the management of these cases. The dynamic nature of the policy development process required that I stay abreast of the developments in real time to ensure that our litigating position was consistent with the overall client objectives. In one instance, the promulgation of a prospective new rule on equipment replacement at utilities required substantial adjustment of litigating positions to avoid compromising the new policy direction being pursued by the EPA Office of Air and Radiation (OAR), while supporting the policy objectives of the Office of Compliance Enforcement Assurance (OECA) in on-going litigation. I worked with both OECA and OAR to develop a position satisfactory to both offices. I then personally presented that position as part of the closing argument in a just concluded case.

The second major challenge in the Initiative was to confront the disparity in resources between our plaintiff group and the defendants. Given the much greater financial resources of the utilities, maximizing the impact of our efforts was imperative. To this end, I identified people to act as specialists in various areas common to all the cases. I also involved the state and non-governmental personnel in the day—to-day work on the cases. By doing so I was able stretch resources and add extra litigating power to any trial team at critical junctures in the case.

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By concentrating resources in serial fashion, my teams were able to achieve a string of victories including ground-breaking judicial decisions upholding EPA's interpretations of law, findings of liability, and the first ever decision holding that EPA is entitled to seek mitigation of harm caused by violations of New Source Review. These litigation victories not only advanced specific cases, they helped persuade other companies to pursue negotiated resolutions rather than litigation. To date, the Power Plant Initiative has succeeded in obtaining settlements that require installation of controls valued at over \$11 billion, recovery of more than \$50 million in civil penalties, and reductions in air pollutant emissions of more than 2,000,000 tons per year (upon installation of all required controls).

In another example of leading change I convinced the Department of the Interior that the proper approach to addressing the claims of Indian Trust Beneficiaries in the largest class action ever brought against the United States required the establishment of an entire new office within that Department. This office would need to be charged with accounting for more than one hundred years of trust receipts and payments. Working with historians, accountants, statisticians, and Interior personnel I explored ways to meaningfully address the accounting project. Although Interior had conceived of the matter as a litigation issue, I convinced senior management that an institutional commitment to the accounting process was necessary. I had a major role in drafting the Secretarial Order by which Secretary Gale Norton implemented my recommendation by establishing the Office of Historical Trust Accounting. This office has had a profound impact on helping Interior meet its obligations to an estimated 500,000 trust beneficiaries.

I also handled one of the largest Superfund cases ever filed. The Stringfellow Acid Pits Superfund Site was at the center of litigation involving hundreds of parties in an action brought on behalf of EPA, a toxic tort class action brought by nearby residents alleging personal injury from the releases at the site, and dozens of insurance coverage claims filed by potentially responsible parties. The central role of the state of California in the selection and operation of the Site meant that it was all but certain that the State would ultimately bear a significant portion of the costs of the remedy. In addition, the involvement of a well organized community group backed by a member of Congress added further complexity to any effort to negotiate a solution.

The Stringfellow case had been in litigation for years before I took over the team. The entrenched positions of the parties was about to require the EPA to expend huge resources to implement a remedy itself. I devised a multi-step settlement plan that resulted in (1) securing the agreements of the major defendants to conduct the remedy selected by EPA, and (2) recovery of virtually all of the money expended by the United States in connection with the Site as well as approximately \$40 million dollars in interest accrued on those costs.

Executive Core Qualification No. 2 - Leading People

Throughout my career, I have demonstrated the ability to build and lead highly effective teams. I have led large teams that included both employees and contractors under my direct supervision as well as employees of federal and state entities over whom I had no direct control. I have led groups with multiple, and sometimes conflicting agendas. I have led clients and their opponents in litigation to consensus on how to approach issues or resolve conflicts. Through these efforts I developed the skills to manage effectively diverse groups of people with diverse interests.

As the supervisor of the Power Plants Initiative I directly manage a group of up to twenty five attorneys, in-house and contractor support staff, as well as a varying number of technical experts that support the litigation. EPA staff are also deeply involved in the day-to-day work of the Initiative, adding another significant group to lead in connection with the litigation activities. Moreover, because the federal government supplies the vast majority of resources for all of the cases in the Initiative, I must also provide leadership to a broader group that includes personnel from offices in six states and six non-governmental organizations. My primary approach to leading this diverse group is through empowerment of each individual and developing consensus on all strategic actions.

In my more than twenty years of leading trial teams I have found that people respond positively to the expectation that they will perform at a high level, coupled with a genuine sense that they are appreciated as individuals. I have put this basic belief to work in every trial team that I have led by taking time to ensure that everyone, including support staff, understands what the case is about and what we are trying to accomplish. I talk with every member of the team about their prior experience, interests, and personal/professional development goals so that I can be alert for opportunities to assign work consistent with the individual's interests or development goals. I routinely seek out training opportunities for team members so that they can develop their skills. These efforts consistently produce cohesive, effective and happy trial teams.

My trial teams have routinely achieved or exceeded client goals. Within the last year my trial teams have won two jury trials, one bench trial and forced two other cases to settlement on terms that are very favorable to the United States. Trial team members, including support staff, routinely express great satisfaction with the overall experience. Almost all express an interest in being considered for another trial team under my supervision.

Leading people who are not under my direct supervision is also an important facet of my job. Whether in my role of managing the Power Plants Initiative or other major cases, there have always been parties with divergent interests that must be addressed to accomplish the client's mission. These other parties essentially fall into three categories: parties that have joined litigation on the side of my client; parties on the opposite side of the litigation; and parties that are not directly involved in the matters being litigated, but who have an interest in the outcome of the litigation. While there are differences in the mode of engagement of each group, dealing with each requires being willing to genuinely listen in order to understand the needs and motivations of each party, and the ability to find common ground as the foundation for solutions.

My career has often placed me in a position where developing a consensus among people with divergent interests is critical to accomplishing my client's goals. For example, as discussed above under Executive Core Qualification No. 1--Leading Change, in *United States v. Stringfellow* EPA's goal was to have the cleanup of the Stringfellow Superfund Site performed by the defendants. To achieve this goal I needed to do three basic things: convince a group of companies that it was in their best interest to agree to perform cleanup activities that would cost tens of millions of dollars; identify and satisfy the conditions necessary to have the State of California join critical aspects of any settlement; and keep an active citizens' group sufficiently comfortable with the process to allow the process to move forward smoothly.

I led the negotiations for the United States in talks with a steering committee of nationally recognized attorneys appointed by the corporate defendants. Although the State of California was an active partner with EPA in remedy selection and implementation, the state representatives largely deferred to me in the direct negotiations with the Steering Committee. This deference was the product of both my successes in dealing with the Steering Committee and my continual efforts to understand and accommodate the state's concerns as the negotiations progressed. I devised confidence building measures that step by step moved issues towards resolution. I brokered compromises between warring factions of defendants that resulted in some defendants cashing out their liability by paying money directly to EPA to be used by the Agency to fund on-going work at the Site. Ultimately, I forged a consensus between more than 140 parties in separate settlements that resulted in private parties and the State implementing or funding the selected remedies for the Site and nearly full recovery of money spent by the United States In connection with the Site. The results were considered so significant by EPA that my team and I were recognized as the Superfund Team of the Year.

Within the last year I have addressed difficult personnel issues. A series of interpersonal conflicts on a trial was impairing the team's effectiveness. Some of the problems were the outgrowth of one team member's illness, the others were personality conflicts between a senior and junior attorney. I dealt with personality conflict by allowing each person to fully air their side of the story with me. I engaged them in separate dialogues about how to eliminate the conflict. I altered assignments so that they would not have to interact for some period of time. As tempers cooled, I encouraged each person reach out to the other to make amends. Eventually, mutual apologies were exchanged and that element of discord was removed. To address the other source of conflict on the team, I spent considerable time with the individual struggling with an illness to understand what could be done to reduce the stress that was at the root of the problem. The obvious answer was to reduce workload, but it was important to do this in a way that did not appear to be an indication of a lack of confidence because this would have caused more stress. I created opportunities for the individual to offer elements of work to others who genuinely wanted the experience of doing the work. With the reduction of the workload and attendant stress, the employee turned in a first rate performance at trial. The entire team enjoyed a harmonious and successful trial experience.

Executive Core Qualification No. 3 - Results Driven

Since graduation from law school in 1982, my career has required that I be results driven. In both my work in private practice and public service as a litigator, an essential requirement has been to work with clients to establish goals and develop strategies to achieve those goals. This is the essence of litigation. In addition, my current role as head of the Power Plants Initiative has required that I apply those basic skills in a larger programmatic setting where I must look not just at a single case, but at a series of cases that have been, or will be, developed and referred by the client agency. It is my job to ensure that the client agency's needs are met by securing adequate staff, funding and support for the cases. I must also work with each of the trial teams to develop precedent in a manner most beneficial to the client's long-term interests and goals. To achieve results, either in the individual case or in a program, requires two abilities that I have repeatedly demonstrated that I possess: the ability to assist the client in clearly identifying its goals, and organizing people to achieve the stated goal.

One example of my ability to achieve results was my work in connection with stopping development of a gold mine that would threaten the environmental, ecological and scenic values of Yellowstone National Park. A mining company proposed to open a major new gold mine in the New World Mining District just three miles from the entrance to Yellowstone. Several environmental groups voiced strong objection, capturing the attention of the Clinton Administration. In late 1995, the Secretary of the Interior approached the mining company about the possibility of trading the mining rights to the United States in return for other properties. The mining company indicated an interest in negotiating and the federal government formed a team to pursue the negotiations. The Chair of the White House Council on Environmental Quality (CEQ) was named lead on the project. I was asked to become involved shortly thereafter.

Although the basic goal was clearly defined from the outset, there was no plan for actually making it happen, and little understanding about what would be required. I quickly assumed a leadership role for the Department of Justice staff, reporting directly to the Associate Attorney General. I began working with my counterparts at CEQ, the National Parks Service and the Department of Agriculture, Office of the Secretary and National Forest Service. I identified a host of issues that had to be resolved in order to reach and carry out any agreement with the mining company. These issues included major complications with the original idea of trading other government owned properties for the mining rights, not the least of which were the fact that every identified property was already the subject of some ongoing conflict. In early spring, 1996, the direction that came from the Office of the President to have an agreement ready for signing in August of that year.

While the directive from the President energized the process, it was apparent to me that there were too many open issues to allow for an actual acquisition of the mining rights by the deadline. Rather than let this derail the mission, I prevailed upon management at CEQ, Interior, Agriculture and Justice that the deal could be saved, and an announcement made on the desired date, if we shifted our aims to developing an agreement that established the major terms and processes for resolving open issues. The respective departmental managements and CEQ agreed, allowing us to forge an agreement that was signed by the President on the desired date. That agreement set in place the mechanisms that ultimately resulted in the acquisition of the mining rights and stopping the development of the New World Mining District.

I have had numerous other opportunities to demonstrate my ability to help clients achieve their desired goals. As noted in Executive Core Qualification No. 2, I achieved major successes in my handling of U.S. v Stringfellow. There I not only achieved the goal of having all future site remediation conducted and paid for by a parties other than the United States, I recovered the vast majority of the monies expended by EPA in connection with the site. When I was assigned to take over the case, Justice Management told me that, given the history of the site and the problems with our case, I would be considered a "hero" if I recovered half of the money EPA had expended. I not only recovered in excess of 96% of those funds, but I also recovered a very substantial amount of interest on those funds. In total, I collected over\$100 million.

In addition to the cases that I have managed for significant periods of time, I also developed a specialty within the Environmental Enforcement Section in salvaging troubled cases. This began in the very first months of my career at Justice when I was asked to get involved with a case, U.S. v. T& S Brass Co., as it headed for imminent trial. Much remained to be done in a short time to prepare the case for trial. I quickly learned the case and prepared for trial. The result was a total success and vindication of the client's position. Soon after this case, I was asked to take over a much larger case just a few months before trial. This case, U.S. v. Interstate Lead Co., was the first multi-media case to go to trial and involved claims under the Clean Water Act; the Comprehensive Environmental Response, Compensation and Liability Act; and the Resource Conservation and Recovery Act. The programmatic offices that oversee these statutes were very concerned about the impact of losing the case. I worked closely with the program offices to understand what was most important to them and to concentrate effort on those elements. After five weeks of trial we were victorious on all counts. I have reprised this role of late entry into troubled cases many times since these first two cases. In every instance I have entered a high-pressure situation, where the goals were often ill defined and the client was unhappy with the direction of the litigation. In all of these instances I worked with client management and staff to crystallize goals and develop strategies to achieve them.

My effectiveness at achieving goals is evidenced by the settlements and judicial orders I have obtained in the cases I have handled. The commendations I have received from client agencies are indicative of client satisfaction with results. For example, I have been awarded two gold and two bronze medals by EPA as well as receiving the awards for Superfund Team of the Year. I have received plaques of appreciation from the Departments of Interior and Agriculture for my services to them. I have received the highest awards that can be received by career attorneys at the Department of Justice: the Muskie-Chafee Award in 2005 and the John Marshall Award in 2000 and again in 2008. Finally, perhaps the truest testament to my ability to lead a group to achieve a goal is the fact that client agencies have repeatedly requested that I handle difficult cases for them.

Executive Core Qualification No. 4. - Business Acumen

As Counsel to the Chief, and head of the Power Plants Initiative, I manage an annual budget of approximately \$2.5 million. I also manage up to twenty five attorneys and support personnel in the prosecution of the cases in the Initiative. Given the size of the cases we prosecute, information technology is critical to mission success, and I am routinely involved in the use and development of these tools.

Cases in the Power Plants Initiative have proven to be expensive. A key component of the expense is litigation support, which includes document and information management, costs of consultants, and logistical support during discovery and trial of cases. The funding for litigation support comes from a special board within the Department of Justice that reviews annual requests Department-wide. Each year I must develop a detailed budget for litigation support needs and explain why the requested funds are a reasonable "investment" by the Department. The investment justification requires a description of how the funds will be used, and an estimate of the results expected to be achieved by the cases. I develop this annual request with input from others, but I am the principle author and am solely responsible for the content.

A key responsibility in connection with the litigation support budget is to ensure that we have sufficient funding to last the entire year. Returning during the year for additional funding would be problematic at best. This requires that I maintain watch over fund levels throughout the year and that I make cost-effective decisions about the expenditure of the funds allotted. Litigation support costs are driven by three things: the volume of records that must be processed, preserved and managed; the costs for non-testifying experts (consultants); and the costs of establishing temporary offices during trials.

The high volume of records is generated in the process of obtaining records from defendants or in responding to their requests for records. The records come in the form of hardcopy documents from physical files gathered in numerous locations as well as electronically stored information in a variety of formats, including e-mail. Records are gathered and identified according to origin. They are then converted into an electronic format, coded for various parameters, and loaded into databases for later search and use. Given the volume of records, contractor services are used to support this effort. Attorneys and experts working on the cases depend upon these databases for virtually every facet of case preparation. Keeping these databases in good working order constitutes a major element of the litigation support budget, and thus, that element of the budget demands a significant amount of my attention.

Litigation support funds are also cover the costs of support services while teams are away at trial such as temporary offices, with computers, copiers, and communications services. I must oversee the contracting for these services multiple times per year. The cost of these services is not driven solely by the unit costs of particular services. Rather, the costs of cancellation and rescheduling of services can be a major factor. Because scheduling of a trial is entirely within the discretion of the courts, schedules are subject to change for a variety of reasons. I work with the trial teams and our in-house support personnel to minimize cancellation fees by careful timing of contract execution, ensuring that our trial teams do not need to request schedule changes after a contract is signed and fostering relationships with service vendors that provide the maximum amount of flexibility. These efforts have resulted in cost-effective support services for trial teams during trial. I have stayed within my budgets every year.

The other essential element of the litigation success in the Power Plants Initiative is human capital. It has been my great fortune to be able to recruit, develop and retain some of the most capable people within the Department for this Initiative. Women and minority attorneys have flourished working on these cases taking lead responsibility for critical aspects of the cases. I have been able to retain two highly talented women by working with them to plan around maternity leave and the transition back to full time work. Seasoned and neophyte attorneys alike have found an environment where they are stimulated, challenged and appreciated. I have worked hard to evaluate the skill level of the personnel I supervise, and assign them to work that will develop essential skills and provide opportunities for professional growth. Younger lawyers are teamed with more experienced ones, providing guidance to the younger and the opportunity to teach for the older. I often personally act as a mentor to the younger lawyers. This gives me better insight into their strengths and the areas where further development is warranted. Two years ago I noticed that some of the attorneys were not as conversant with the rules of evidence as they should have been. I contacted the Department's office of legal education and arranged for a highly-acclaimed series of evidence lectures to be presented at our offices. Almost the entire team attended this three day presentation. I also routinely review off-site training opportunities, sending team members whom I believe would benefit. These efforts, combined with the innate abilities of the personnel, have resulted in a cohesive, disciplined litigation team that is the equal of any litigation team in the country.

I have also managed to retain key personnel by creating advancement opportunities for them. One attorney with impressive credentials, analytical ability and organizational skills was interested in moving up within the Environmental Enforcement Section. I knew that it would be possible to persuade him to stay in his current position longer, but that doing so was not in his best interest. To solve this problem, I went to my management and requested that this individual be offered a first-line supervisory position responsible only for work on the Power Plants Initiative. Although this request was in tension with traditional practice, my request was granted. The result has been even better than I expected, with the attorney reinvigorated and performing at an extraordinarily high level in both his new responsibilities. Similarly, I was in danger of losing the supervisory paralegal who manages all of the databases and who ensures that all of the attorneys have the litigation support services needed. This individual had reached the highest grade available to her and was being actively recruited by another agency what could offer her a job at a higher pay grade. I knew this individual was committed to the Initiative, but I also knew that she needed to make more money. To avoid losing an essential employee and to be fair to her, I contacted the Executive Office for the Division, requesting that they create a new job classification for this employee. I explained how her current duties had grown well beyond her job classification. I worked with the Executive Office and Section Management to develop a new job classification, move it through the Office of Personnel Management, and create a new, higher grade position. The employee is now serving in the new position and is still supporting the Initiative.

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Executive Core Qualification No. 5 - Building Coalitions/Communications

My career at the Department of Justice has not only afforded me numerous opportunities to build alliances across boundaries, it has required doing so to achieve client goals. Large scale litigation, by its nature, tends to raise cross-cutting issues. Thus, whether handling offensive or defensive litigation, I have often been called upon to build bridges and strategic alliances to achieve success. Sometimes the bridges to be built are relatively simple, involving only two organizations within the same federal Department. On other occasion, a complex series of alliances must be developed between multiple federal agencies, state agencies, non-governmental organizations, and private corporations.

One of the more complex series of alliances I forged was in a case entitled U.S. v. Stringfellow, discussed above. In that case, the client objectives were to secure an agreement with private corporations for implementation of a remedial action, and to recover money previously expended by the United States in connection with that Site. The State of California was a critical partner of EPA's in the selection and implementation of any remedy at the Site. The State was also facing the reality that it would ultimately be saddled with a most, if not all, Site-related costs because of actions one of its agencies had taken in the management of the Site year earlier. The defendants in the case were a group of large corporations with the economic and technical resources to implement the remedy. These defendants had sued the State and over one hundred other corporation that had not been named in the suit filed by the United States, but who were potentially responsible for some portion of any cleanup costs. The defendants also brought claims against the United States Air Force and Navy for wastes they had sent to the Site. Matters were further complicated by a major toxic tort lawsuit brought by a class consisting of local community members who claim to have been injured by releases of chemicals from the Site. The individual defendants filed lawsuits against their insurance carriers for coverage relating to the federal and toxic tort claims. Finally, the Congressman for the District where the Site was located called frequent hearings, requiring EPA officials to testify about progress and plans at the Site. The parties case was in gridlock by the time I was asked to take over the case.

When I took over the case an extremely contentious defense group was had just convinced the court to set for trial the issue of whether a former Administrator of EPA had manipulated the Superfund process relating to the Site for political purposes, and whether that would affect the rights of the United States to require private parties to implement remedies at the Site or repay costs previously incurred by the United States. The defendants' allegations were largely predicated on findings for a Congressional Committee that the former Administrator had acted improperly or with disregard for the safety of the community near the Site.

To make progress I first had to get the parties focused on negotiations. I identified the things that mattered most to each group, whether things they most wanted to achieve or to avoid. I began a series of talks with different groups looking for compatible interests. My first success was with a few of the corporate defendants. I was able to convince them that the upcoming trial was likely to be more damaging to them than helpful, given the existence of the toxic tort litigation. This core group began to outline the terms under which they would agree to implement the next phase of the remedy at the Site. I then developed a roadmap to resolution of the case that began with a partial settlement of just a few of the issues in the case. From this foundation, I was able to work with the State and other groups to engineer settlement after settlement that brought into the process an ever growing number of parties. Although the

State did not approve of every aspect of the initial settlement reached with the first group of defendants, it was keen to see the negotiations for implementation of a remedy advance. The progress on implementation of the remedy strengthened the strategic alliance between EPA and the State, resulting in an outstanding series of agreements that were embraced by both EPA and the State. I even brokered settlements between groups of defendants who looked to me to assist them in arriving at a fair resolution of their respective claims. By the end of this process, the State, the defendants, more than one hundred third-party defendants, the Air Force and the Navy had all signed one or more settlements. The private corporations agreed to implement major portions of the remedial actions, EPA recovered the costs it had incurred, and the State was able to assume its proper role at the Site with its liability finally resolved..

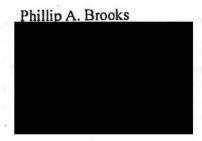
The Stringfellow case is by no means the only opportunity to build alliances. As a matter of course in the Power Plants Initiative, I have built strong alliances with state and non-governmental organizations to pursue common goals in litigation and settlement. On more than one occasion, political realities have precluded my client or one of its litigating partners from taking certain positions. In a testament to the strength of the alliances and the openness of the process, these political issues have not affected the fundamental working relationships. Thus, despite genuinely different political pressures and motivation, we continue to work together collaboratively toward the same basic goals.

Collaborations between offices within the federal government are also an important element of my work. For example, in U.S. v. Cinergy, EPA sought to require the Cinergy Company to comply with the Clean Air Act by either installing pollution controls or ceasing operation of the offending units. The Company rejected the control option, and sought to delay shutdown by claiming that doing so would have serious adverse consequences for electrical service in a specific locality. Despite the fact that the Federal Energy Regulatory Commission was not a party to the litigation, I was able to obtain all the support I needed from them for a successful rebuff of Cinergy's exaggerated claims.

APPLICATION AND SUPPORTING MATERIALS Job Announcement EPA-09-SES-OECA-6467 Director of Air Enforcement, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance

Submitted: June 19, 2009





Statement of Basic Qualifications Required

I am a graduate of accredited Law School, the University of Kentucky Collage of Law 1982.

I am a Member in Good Standing, State Bar of Virginia.

I am a Citizen of the United States.

Attachments

Resume

Statement of Executive Core Qualifications

Statement of Technical Qualifications

Statement of Desirable Qualifications

Transcripts for undergraduate and law school.

Most recent SF 50 - Notification of Personnel Action

Amelia Piggott

Education

University of Denver, Sturm College of Law, Denver, CO

Juris Doctorate, 2009; Member in Good Standing of Colorado Bar.

GPA:

Experience

U.S. Environmental Protection Agency, Denver CO

Enforcement Attorney

September 2009-December 2009

- Negotiated settlement agreement regarding violation of Federal Insecticide Fungicide and Rodenticide Act.
- Drafted complaint for violations of Clean Air Act.
- Prepared Information Requests for Potentially Responsible Parties in CERCLA action.
- Prepared and analyzed Information Requests in RCRA action.
- Co-published paper: Key Enforcement and Regulatory Developments in Region 8 with Acting Assistant Regional Administrator.
- · Participated in extensive document review.

University of Denver Student Law Office, Denver, CO

Student Attorney, Environmental Law Clinic August 2008- May 2009

- Co-drafted Motion for Summary Judgment challenging a Fish and Wildlife regulation creating a hunting exemption for endangered African Antelope (motion granted, 2009 WL 1743501 (D.D.C.)).
- Prepared to argue in federal court to challenge antelope hunting exemption regulation.
- Co-drafted Motion for Summary Judgment challenging Fish and Wildlife's decision not to list two species of plants as threatened or endangered under the Endangered Species Act (currently in settlement negotiations).
- Co-drafted Notice of Intent to Sue the U.S. Fish and Wildlife Service for failing to list 13 species of birds as threatened or endangered under the Endangered Species Act.
- Co-drafted Complaint filing suit against the U.S. Fish and Wildlife Service for failing to list 13 species of birds as threatened or endangered.

U.S. Environmental Protection Agency, Denver, CO

Law Clerk

June 2008-August 2008

- Worked with attorneys specializing in CERCLA to negotiate and enforce hazardous waste cleanups in EPA Region 8.
- Aided in the compilation of several CERCLA Administrative Records.
- · Participated in extensive document review regarding Libby Montana asbestos litigation.

Governor's Office of General Counsel, Denver, CO

Law Clerk

May 2007-August 2007

- Researched a broad variety of policy and legislative issues.
- Wrote numerous legal memoranda on topics such as the ramifications of proposed legislation, voter referenda and initiative issues.
- · Drafted two Executive Orders.



Governor's Fellow/Policy Analyst

May 2004 - February 2006

- Tracked over 20 gaming bills over the course of two legislative sessions.
- Analyzed the possible effects of different laws being proposed, made recommendations to General Counsel about the utility of proposed laws in the New Mexico gaming environment.
- Researched and wrote several memos to General Counsel about legislation in different jurisdictions.

ROBERT DONALD COOMBER

Applying for Attorney-Advisor (General), GS-0905-13 • Job Announcement Number: CI-OARM-OT-2013-0001

WORK EXPERIENCE

CONGRESSIONAL OFFICE OF COMPLIANCE, Washington, DC

March 2009-Present

LA 200, John Adams Building; 110 Second Street, SE; Washington, DC 20540

The Office enforces 13 labor and employment laws on behalf of legislative branch employees

Hours worked per week: 40

Salary: \$64,525, plus performance bonuses

Staff Attorney

- Managed federal labor management relations, OSHAct, and ADA cases from pre-complaint to conclusion calling upon years of knowledge acquired in the labor and employment law field
- Facilitated negotiations via informal mediations between stakeholders in federal unfair labor practice cases and other disputes, requiring effective oral communication
- Advised the General Counsel and the Executive Director on strategic, regulatory, statutory, and procedural matters involving various aspects of labor and employment law, both orally and in writing
- Composed memoranda on complex labor law issues by analyzing case law and relevant legal precedents
- Drafted ADA and OSHAct regulations required by Congressional Accountability Act
- Wrote Office of the General Counsel's portion of strategic plan for 2010-2012
- Organized OOC 2011 and 2012 Workers' Rights Conferences

GUERRIERI, EDMOND, CLAYMAN & BARTOS, P.C., Washington, DC

April 2008-March 2009

1625 Massachusetts Avenue, Suite 700; Washington, DC 20036

A union-side labor law litigation firm focusing on unions formed under the Railway Labor Act Hours worked per week: 50 Salary:

Associate Attorney

- Drafted briefs, memoranda, and motions for state and federal courts throughout the country, focusing on RLA issues
- Analyzed and made recommendations re courses of action and responses related to labor and employee relations
- Conferred with relevant agencies, local counsel, and opposing counsel regarding cases

OSBORNE LAW OFFICES, P.C., Washington, DC

September 2007-March 2008

May 2005-April 2006; August 2006-May 2007

4301 Connecticut Ave Nw, #108, Washington, DC 20008

A union-side labor law litigation firm representing primarily NATCA and SprinklerFitters 669

Hours worked per week: 50

Salary: approximately

Law Clerk and Attorney

- Researched aspects of labor law, agency law, civil procedure, workers' compensation, FMLA, and election law
- Composed memoranda to support briefs and motions before the FSIP, the FLRA, and state and federal courts

MOONEY, GREEN, BAKER & SAINDON, P.C., Washington, DC

1920 L Street, N.W., Suite 400; Washington, D.C. 20036 A union-side labor law and ERISA firm that represents unions and funds in DC, MD, VA, and WV

Hours worked per week: 15

Salary: approximately

Law Clerk

- Drafted research memoranda in support of briefs and motions in a variety of subjects for state and federal courts, arbitrations, and the NLRB
- Researched aspects of labor law, ERISA, civil procedure, corporate law, and torts

EDUCATION

THE CATHOLIC UNIVERSITY OF AMERICA, COLUMBUS SCHOOL OF LAW, Washington, DC

May 2007

Juris Doctor

Plato Papps Labor Law Fellow

Awarded to first-year students with strong academic credentials and an interest in the field of labor law Sutherland Cup National Team Member and Moot Court Associate

Competed in national constitutional law appellate advocacy competition

Member of the SBA Community Service Board

Selected and organized SBA's community service events

COLGATE UNIVERSITY, Hamilton, NY

Bachelor of Arts, Double Major in Classical Studies and English

PROFESSIONAL ORGANIZATIONS

DISTRICT OF COLUMBIA BAR

Member in Good Standing

February 2009-Present

March 2008-Present

NEW YORK BAR

Member in Good Standing

November 2007-Present

NEW JERSEY BAR

Member in Good Standing

SEMINARS

Mid-Atlantic ADA Update Conference 2012

2010 ADA Symposium

- Fundamentals of Employment Law: Establishing the Employment Relationship DC CLE
- National Employment Law Institute's 2009 Public Sector EEO and Employment Law Conference
- Mid-Atlantic ADA Center's 2009 ADA Update & Pre-Session

VOLUNTEER WORK

Pro Bono Attorney - Rail Station Lounge, January 2011-March 2011 - Represented a nascent jazz club to obtain a liquor license

Volunteer Attorney - Employment Justice Center, February 2009-March 2010 - Advised low wage workers on employment rights in DC, MD, and VA

Volunteer - College & Career Connections, May 2010-Present - Composed employment contracts on behalf of organization; spoke to dozens of 5th Grade students in DC Charter School about becoming and working as an attorney

Thomas R. Rucki



EDUCATION

University of Baltimore School of Law

Candidate for J.D., May 2004

Academic Standing: GPA

University of Baltimore Law Review (Write-on competition) Law Journals:

University of Baltimore Law Forum (Write-on competition)

American Bar Association (Business Law Section) Activities:

University of Baltimore Business Law Society (Co-Founder)

University of Baltimore Environmental Law Society



PROFESSIONAL EXPERIENCE

The Honorable Paul W. Grimm United States District Court for the District of Maryland, Baltimore Division Judicial Internship, Beginning January 2003 and Ending May 2003

Washington Metropolitan Area Transit Authority, Washington, DC Law Clerk, April 2002-October 2002

Conducted discovery, pre-trial and trial research, writing, and preparation (federal and state), and drafted summary judgment motions and answers.

National Association of State Foresters, Washington, DC

Congressional Affairs Staff, January 2001-August 2001

Wrote and edited monthly newsletter and weekly memoranda on Congressional activities and hearings. Analyzed pertinent legislative bills. Maintained web page. Participated in agency and interest group meetings.

<u>Hanson v. Smith</u>

The Individuals With Disabilities Education Act Encourages
Parental Participation, Requires A Free And Public
Education, And Mandates Annual Individual Education Program
Reviews With Optional Types Of Re-evaluations

The United States District Court for the District of Maryland, under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.S. §1400, held that to meet the requirements of a Free and Public Education (FAPE), a psychological re-evaluation and observation of the proposed new school by the parents is not required. Hanson v. Smith, 212 F. Supp. 2d 474, 485-87, 489 (2002). The court further held that parent participation is encouraged, but not mandated. Id. In so holding, the District Court clarified the standards set forth in the IDEA to be applied in Maryland by granting school systems the power to make decisions affecting the children's education. The holding also specifically defined what constitutes a FAPE.

Jonathan Hanson ("Jon"), a twelve year old with multiple special education needs, attended the Summit School ("Summit") since the 1997-98 school year. *Id.* at 479.

Summit is a private school in Anne Arundel County that primarily serves students with special education needs similar to Jon's. *Id.* The Anne Arundel County Public Schools ("AACPS") funded Jon's attendance at Summit since 1998-99, and in 2001, re-evaluated Jon as required by the

IDEA. Id. The re-evaluation entailed academic, speech, and language assessments, as well as classroom observation of Jon, but no updated psychological exam was performed. Id.

Upon completion of the evaluation in 2001, the results were discussed with Jon's parents, who subsequently discovered that AACPS had expanded Severna Park Middle School, a public school, to include a division similar to Summit known as the Learning Academy. Hanson, 212 F. Supp. 2d at 479. The Learning Academy would no longer require funding from AACPS. Id. Prior to the Individual Education Program ("IEP") review, the AACPS informed Jon's parents that they were considering moving Jon to the Learning Academy. Id. Jon's parents requested observation of the program, however, they were never given the opportunity. Id.

The annual IEP review meeting was held for Jon, which the parents attended, and an IEP was developed for him. Id. Although the 2000-01 IEP for Jon said that the AACPS felt Jon was not ready to integrate into public school, the 2001-02 IEP suggested Jon be moved to the Learning Academy. Id. at 479-80. Jon's parents objected, asserting that Jon was not ready to participate in mainstream public school settings that would hinder his educational advancement, and consequently requested an administrative hearing before the Maryland Office of Administrative Hearings. Hanson, 212 F.

Supp. 2d at 480.

Jon's parents raised four issues: 1) the school system failed to conduct a psychological exam, 2) AACPS predetermined Jon's placement prior to the IEP, 3) AACPS failed to allow the parents' involvement in the IEP process, and 4) placement of Jon at the Learning Academy was inappropriate. Hanson, 212 F. Supp. 2d at 480, 483-84. Upon ruling in favor of the school, the parents filed suit in the United States District Court for the District of Maryland under the IDEA. Id. at 480.

The IDEA was enacted to ensure that children with disabilities are afforded a FAPE. Id. at 481. The statute suggests that the IEP was intended to be a joint venture involving parents, teachers, and school officials. Id. The court noted that the Congressional preference was to mainstream children into appropriate public schools, "although the term appropriate does not mean the best possible". Id. at 482.

First, though the IDEA requires re-evaluation at least once every three years, section 1414(c) does not require retesting in all areas. *Id.* at 484. Jon's parents claimed that they were unaware of their right to request a psychological test. *Hanson*, 212 F. Supp. 2d at 484. However, the school determined that Jon did not need a psychological test, so his parents' lack of awareness was

inconsequential. Id. Jon's parents attended several meetings involving the IEP reviews and neither they nor the school board thought a psychological review was requested.

Id. The court stated that in many situations a psychological review could be helpful, but the lack of this review did not harm Jon. Id. at 485. The court found that an annual psychological review was not necessary to a FAPE.

Id.

Second, Jon's parents alleged that prior to the IEP, AACPS predetermined Jon's placement in the Learning Academy. Id. Although placement is to be based on the IEP, and not the reverse, a school may suggest placement for the child when the IEP review is conducted. Hanson, 212 F. Supp. 2d at 486. The court concluded that the AACPS did not predetermine Jon's placement because they simply made a suggestion, but were still willing to negotiate. Id.

Third, Jon's parents contended that AACPS denied them the chance to fully contribute in the IEP by disallowing them observation of the Learning Academy. Id. at 486-87. The court easily dismissed this contention by reminding Jon's parents that though the statute promotes active participation by them in the IEP process, it is not required. Id. at 487. Furthermore, the court noted that there is no observation requirement under the IDEA, and in fact, Jon's parents actively participated in the various

meetings. Id. at 487.

Finally, Jon's parents alleged that the Learning Academy was inappropriate for their son. *Id.* The court expressed that statutorily a FAPE is the only requirement, and there is no substantive standard for the educational benefits. *Hanson*, 212 F. Supp. 2d at 488. Additionally, the court noted that evidence deduced at the Administrative Hearing was clear that the atmosphere and education provided at the Learning Academy was appropriate. *Id.* at 489.

The case at hand defines and clarifies many aspects of the IDEA. Not only does it point out that parent participation is not required, it seems to place more decision making powers into the hands of the school systems by allowing them to determine the educational needs of the children. Additionally, to clarify what a FAPE entails, the court delineated its components, thereby specifically defining an ambiguous statute.

Ryan Daniel Yaeger



Highest Grade: 9

Availability: Job Type: Permanent

Term Detail

Presidential Management Fellows

Recent Graduates

Work Schedule: Full-Time

Desired locations: US - DC

Work Experience: Supreme Court of Minnesota

08/2012 - 07/2013

25 Rev Dr. Martin Luther King Jr. Blvd Salary: \$52,000.00 USD Per Year

Saint Paul, MN 55155 US

Hours per week: 50

Supervisor: Justice G. Barry Anderson

Okay to contact this Supervisor: Yes

Law Clerk

- Served as Justice Anderson's principal law clerk for the 2012-2013 term.
- Performed research and drafted bench memoranda for the justices.
- Prepared initial drafts of opinions for cases heard by the court.

Scientific Games International, Inc.

06/2011 - 08/2011

1500 Bluegrass Lakes Parkway

Salary:

Alpharetta, GA 30004 US

Hours per week: 40 Supervisor: Phil Bauer

Okay to contact this Supervisor: Yes

- Drafted and reviewed non-disclosure agreements, leases, licensing deals, and staffing agreements.
- Developed compliance strategy for consumer data sharing platform under European privacy laws.
- Provided advice on federal regulatory compliance to managers across the country.

U.S. District Court for the Northern District of Illinois

06/2010 - 08/2010

219 S Dearborn Street

Chicago, IL 60604 US

Hours per week: 40

Judicial Extern for Judge Harry D. Leinenweber

Researched and drafted rulings on procedural and substantive motions, and other matters.

U.S. Department of Homeland Security

08/2007 - 01/2009

3801 Nebraska Avenue NW

Salary: \$48,000.00 USD Per Year Washington DC, DC 20016 US

Hours per week: 50

Series: 0901 Pay Plan: GS

Grade: 9

Supervisor: Gus Coldebella

Okay to contact this Supervisor: Yes

Special Assistant to the General Counsel

- · Managed the department's legal review process. (I was the equivalent of staff secretary or executive secretary in other executive branch entities for the general counsel's office.)
- Held TOP SECRET/SCI/CODEWORD security clearance.
- Led the creation, development, and promotion of the DHS Honors Attorney Program.

U.S. Representative Mark Kennedy 04/2006 - 01/2007

1415 Longworth House Office Building

Salary: \$32,000.00 USD Per Year

New Jersey Ave SE Hours per week: 45

Supervisor: Ed Skala

Okay to contact this Supervisor: Yes

Washington DC, DC 20515 US

Legislative Correspondent

Monitored, processed, and drafted responses to all constituent correspondence.

Education: Northwestern University School of Law

Chicago, IL US

Professional - 05/2012

GPA:

Honors: Cum Laude





Reference Type: Professional



Reference Type: Professional



Reference Type: Professional

Additional Information: Bar memberships: Illinois (active), District of Columbia (pending)



PROFILE

Senior-level professional with expertise in leading people and change management as well as providing expert management, legal counsel and litigation support on financial assistance programs, fiscal law, appropriations law, procurement administration, real property matters; environmental matters; general intellectual property matters; multimillion dollar commercial contracts and international trade agreements; and complex multibillion-dollar, federal research and development and services contracts for the aerospace, exploratory science and defense sectors.

Work Experience:

Environmental Protection Agency Washington, DC United States 10/2013 –
February 2014
Hours per
week: 50
Series: 1109 Pay
Plan: ES
This a time-limited
appointment or
temporary
promotion

Acting Deputy Director, Office of Grants and Debarment (This is a federal job- SES detail)
Supervisor: Howard Corcoran

Okay to contact this Supervisor: Contact me first

- Manage the Grants and Interagency Agreement Management Division. Plan, organize, direct, control, and coordinate the cradle-to-grave administrative management of all Headquarters-administered assistance agreements (grants, loans, cooperative agreements and fellowships) and the Eastern Shared Service Center for the administrative management of EPA interagency agreements.
- Responsible for the development and implementation of Agency policies and internal controls governing the administrative management of assistance agreements and interagency agreements, the provision of associated training and IT systems, and administration of the Agency's assistance agreement competition program.
- Lead consultant and advisor to the Director of the Office of Grants and Debarment; managing over \$1.2 billion grant funded programs. Responsible for providing advice, guidance, and support to the government-wide Grants Policy Council and Grants Executive Board, and agency-wide initiatives and priorities, including overseeing the implementation of EPA's long-term Grants Management Plan and convening the senior-level Grants Management Council.

Environmental Protection Agency Washington, DC United States

02/2011 -Present Hours per week: 50 Series: 0905 Pay Plan: GS Grade: 15

Director, Suspension and Debarment Division (This is a federal job)

Supervisor: Howard Corcoran

Okay to contact this Supervisor: Contact me first

- · Manage the division responsible for EPA's suspension and debarment activities throughout the United States and its territories with a legal jurisdiction over violators of federal and state environmental laws, actual and potential government contractors, and federal grantees.
- · EPA's Senior Legal Advisor on matters relating to the enforcement of statutes, executive orders, and other regulations within the Division's purview, including the Federal Acquisition Regulation. Nonprocurement Common Rule, Clean Water Act, Clean Air Act, and other laws relating to federal appropriations, fraud, corruption, public safety, and the environment. Provide data and annual reports to Congress. Negotiate highly complex and controversial settlements and administrative agreements between the EPA and private industry.
- ·Manage a diverse staff of attorneys, investigators, auditors, paralegals, and administrative staff, located throughout the United States and ranging in pay grade levels from GS-11 to GS15. Prioritize and manage the Division's workload. Provide direction and advice on investigations, case preparation, and litigation.
- Manage the Division's national budget, including contractor funding, travel, training and administrative expenditures. Responsible for replacement of labor intensive and antiquated case management system with a cost effective state-of -the-art integrated case management system.
- Set the Division's policy and procedures. Responsible for conducting efficiency evaluation and revamping policy and procedures for more efficient and effective operations. Successfully implemented a cost effective and low resource alternative to government audit and monitoring program by incorporating third-party monitors and auditors for nongovernmental aspects of private sector oversight.

National Aeronautics and Space Administration (NASA) Houston, TX United States

07/2009 -02/2011 Hours per week: 40 Series: 0905 Pay Plan: GS

Attorney-Advisor (This is a federal job)

Supervisor: Donna Shafer

Okay to contact this Supervisor: Contact me first

- Legal Advisor for Acquisition Law principally responsible for providing legal advice and oversight on complex advanced-technology development, research and development, construction, and services contracts totaling nearly \$16 billion. Served as lead counsel and recognized for utilizing superior client management skills and innovative solutions.
- Provided legal advice and oversight on international procurement actions, including International Traffic in Arms Regulations export compliance. Interfaced with aerospace, defense, exploratory science, and research and development agencies and industries in negotiating interagency agreements, Space Act agreements and cooperative agreements.
- Lead litigation counsel representing the Agency in government contract disputes. Responsible for litigation management and case coordination with Department of Justice counsel.
- •Provided legal advice to senior executive management and various interdisciplinary task forces and study teams. Responsible for the development of internal policy and risk mitigation

strategies. Prepared legal opinions on fiscal law, appropriations law, environmental law compliance and general legal matters. Advised on interpretation and application of statues, cases, rules, regulations, appropriations and Congressional authorizations. Provided legal advice on use and protection of NASA intellectual property.

•Recognized as a knowledge resource. Responsible for providing training to legal, procurement, senior executive service, astronaut, engineering, research and science workforces on various complex subjects including the Services Contract Act, Freedom of Information Act, Worker Adjustment and Retraining Notification Act, Anti-deficiency Act, Procurement Integrity Act, federal ethics regulations, and organizational and personal conflicts of interest rules.

United States Air Force Washington, DC/, IL United States

03/2005 -07/2008 Hours per

Deputy Chief, General Law Division

- Supervised and managed a team of ten attorneys and legal professionals (military and civilian) representing the tort and medical claims, civil law, administrative law, environmental law, and operations law sections. Responsible for providing legal advice and support to Air Force personnel located at the Pentagon, Bolling Air Force Base, Congressional liaisons, and US
- Lead general law advisor to the Facilities Management Group, Medical Group, Contracting Squadron, Services Squadron, Communications Group, Operations Group, and Major Events Council. Provided statutory and regulatory compliance advice on the Privacy Act, the Federal Tort Claims Act, fiscal law, appropriations law, environmental regulations, agency regulations and instructions. Prepared legal opinions. Prepared and reviewed cooperative agreements, interagency agreements, real estate lease agreements, support agreements, hold harmless agreements, and nondisclosure agreements.
- Government contracts advisor responsible for reviewing services contracts for legal issues and regulatory compliance.
- Lead litigator with full oversight of initial investigations, trial planning, motions practice, discovery, expert and lay witness preparation, legal research, and courtroom appearances.
- Lead criminal trial attorney in several military trials involving misconduct related to procurement fraud, drugs, and assault (100% conviction rate).
- Special Assistant United States Attorney: Lead federal prosecutor of civilians in over 150 cases before United States Magistrate Judges in the District of Columbia and the Southern District of Illinois for minor offenses and traffic violations committed on Scott and Bolling Air Force Bases.
- Held Secret Security Clearance.

MORGAN LEWIS, LLP Washington, DC United States

05/2000 -03/2005 Hours per week: 60

Antitrust Litigation Associate

- Supervised and managed attorneys and legal professionals of short- and long-term electronic and hard copy discovery projects in response to Federal Trade Commission and Securities and Exchange Commission civil investigations and Department of Justice criminal investigations.
- Provided antitrust compliance advice and counsel to corporations and trade associations in the financial, chemical, and pharmaceutical industries.
- Provided antitrust and international competition advice and counsel on horizontal, vertical, and potential competition mergers and acquisitions for major multinational companies in the financial,

chemical, and pharmaceutical industries; including Hart-Scott-Rodino Act requirements, International Competition Laws and records management and retention policy requirements under the Sarbanes-Oxley Act.

- Provided counsel and litigation expertise on international and national carlel investigations.
 Deposed senior executives in the health and securities industries and prepared foreign nationals for litigation.
- Summer Associate and Law Clerk: Prepared discovery and pretrial documents for antitrust actions. Researched and prepared legal memoranda and articles. (Summer 2000, Summer 2001, Spring 2002)

Education:

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL Washington, DC United States Master's Degree 12/2009

Major: Government Contracts/ Procurement Law Relevant Coursework, Licenses and Certifications: Masters of Laws (LLM)

Honors: Randolph C. Shaw Graduate Fellow Article: A Closer Look at the Federal Green Procurement Program

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL Washington, DC United States Master's Degree 12/2009

Major: Environmental Law Relevant Coursework, Licenses and Certifications: Masters of Laws (LLM)

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL, Washington, DC Washington, DC United States
Professional 05/2002

Major: Corporate Law Relevant Coursework, Licenses and Certifications: Juris Doctor (JD)

Job Related Training:

- OPM's Federal Executive Institute, Leadership for a Democratic Society (2014)
- OPM's Management Development Center, Executive Development Seminar: Leading Change
 (204.9)
- OPM's Management Development Center, Leadership Competencies: Preparing for the Next Step (2012)

Affiliations:

National Contract Management Association - Member

Federal Bar Association, Government Contracts Section - Editor-in-Chief, Federal Bar

Government Contracts

New York Bar & District of Columbia Bar - Member

US Court of Appeals for the Armed Forces Bar, Court of Federal Claims Bar, Supreme Court Bar

- Member

Professional Publications:

- Instructor, Suspension and Debarment (IG-ITP, TTP), Inspector General Criminal Investigator Academy (2014)
- Panelist, ABA, Public Contracts and Environmental Law Sections (2011, 2012)
- Speaker, NASA JSC Speakers Bureau (2009- 2011)
- Contributing Author, 2004 Annual Review of Antitrust Developments, Antitrust Law Section, ABA (2004)
- Associate Editor and Contributing Author, Antitrust Practitioner Newsletter, Antitrust Law Section, ABA (2003)

References:



Additional Information:

- Air Force Commendation Medal (2007)
- Julie Noel Gilbert Award for Pro Bono Service (2000, 2003, 2004)
- EPA Superior Accomplishment Recognition Award (2011, 2012)
- Recipient OARM Bronze Medal for outstanding achievement (2012)
- Recipient, One-EPA Award for exemplary intragency partnering (2012)
- Nominated, EPA Gold Medal for Outstanding Achievement (2013)

SUSAN SHINKMAN



EMPLOYMENT HISTORY

WILLIG, WILLIAMS & DAVIDSON, Current.

Counsel to firm specializing in 1-2 or and employment law. Senior living or responsible for civil rights and employment discrimination actions filed in federal and state court. Also pursue other employment related litigation, including representation of Health and Welfare and Pension Funds in ERISA actions, at the trial and appellate levels.

PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY, 1992-1995. Chief Counsel

Counsel to the Secretary of Labor and Industry concerning administration of Department's \$2.7 billion budget and execution of its statutory responsibilities for workers compensation, unemployment compensation, employer tax, federally funded job training, office of citizen service, occupational safety, vocational rehabilitation, labor standards, apprenticeship programs and prevailing wage;

Supervisor of the Department's Legal Division (95 attorneys plus support personnel) which represents and counsels the Department's board, divisions and personnel;

Issuance and oversight of Department contracts in excess of \$5 million per year with outside counsel.

CITY OF PHILADELPHIA LAW DEPARTMENT, 1984-1991. Chief Deputy City Solicitor

Chief of the Special Litigation/Labor and Environment Divisions, including ten litigators, two paralegals and support staff. Chief litigator and negotiator for major federal and state civil rights and labor litigation, including class actions and requests for injunctive relief.

Counsel to the Managing Director, Police Commissioner, Fire Commissioner and Personnel Director on legal issues affecting personnel, ethical responsibilities, election law, relations with state and federal government.

FEDERAL LABOR RELATIONS AUTHORITY: WASHINGTON, D.C., 1979-1984. Supervising Attorney

Management of five attorneys in independent federal agency responsible for labor relations for all federal employees. Reviewed staff work, including investigations of unfair labor practices, union representation petitions and litigation of complaints before federal administrative law judges. Handled injunctive proceedings and independently litigated more complex cases.

PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY, 1975-1979. Assistant Attorney General

Represented the Pennsylvania Labor Relations Board and the Unemployment Compensation Board of Review before Commonwealth and Supreme Courts of Pennsylvania.

EDUCATION

Harvard University
John F. Kennedy School of Government
M.P.A., 1989

Temple University School of Law J.D., 1975

LECTURES

1996: "Guidelines for the Human Resource Manager's Internal Investigation," Pennsylvania Bar Institute: Employment Law Institute, Philadelphia, Pa.

1993: "The Current State of Prevailing Wage Laws," National Conference of State Legislatures, Monterey, Ca.

1992: "Ethical Responsibilities of Workers Compensation Referees," Referee Training Conference, Pittsburgh, Pa.

1991: "Impact of Americans with Disabilities Act," Personnel Managers Conference, Philadelphia, Pa.

1990, 1988: "Work Place Management of Sexual Harassment and Drug Abuse," Personnel Managers Conference, Philadelphia, Pa.

1984: Workshop on Public Sector Labor Relations, George Washington University School of Continuing Legal Education.

1983: National Training Conference for Attorneys in Administrative Law Practice, FLRA, St. Paul. Minn.

1982: "Public Sector Labor Relations," Dickinson Law School, Carlisle, Pa.

BAR MEMBERSHIPS AND ACTIVITIES

United States Supreme Court; United States Court of Appeals for the Third Circuit; United States District Court for the Eastern and Middle Districts of Pennsylvania; Pennsylvania Supreme Court; Philadelphia Bar Association.

Appointed by the U.S. District Court for the Eastern District of Pennsylvania to serve as a Mediator in civil litigation.

GRC-M

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BRIAN S. TOMASOVIC

PROFESSIONAL EXPERIENCE

UNITED STATES ARMY JAG CORPS

2006-2009

Trial Defense Counsel, Daegu, South Korea, 2007-2009

Legal Assistance Attorney & Military Magistrate, Pyeongtaek, South Korea, 2006-2007

- As lead or sole defense counsel in contested military jury trials, secured acquittals for criminal charges of perjury, conspiracy, obstruction of justice, rape, assault and other offenses.
- Argued and won dismissals of criminal charges, adverse administrative findings, convictions and sentences through skillful and comprehensive legal writing.
- Counseled more than 500 clients in areas of estate planning, will preparation, family law, consumer law, landlord/tenant disputes, immigration and naturalization, and taxation.
- Executive management of operations and personnel as supervising attorney for defense branch office and an IRS-sponsored regional tax office staffed with eight workers.

PRE-LICENSURE. EXPERIENCE

2003-2005

Law Clerk to U.S. Attorney's Office, Tax Division, Los Angeles, California, Summer 2004

Federal District Court Judicial Extern to the Honorable R. Gary Klausner, Los Angeles, California, Spring 2004

Federal District Court Judicial Extern to the Honorable Robert E. Jones, Portland, Oregon, Summer 2003

Pro Bono Student Conciliator and Student Worker, Center for Conflict Resolution, Los Angeles, California, 2003-2005

OTHER PROFESSIONAL EXPERIENCE

Pro Bono Civilian Defense Counsel in U.S. v. Gray, Austin, Texas, and Daegu, South Korea, February 2009-August 2009 Energy Law Research Assistant to Dr. David Spence, Austin, Texas, June 2010

EDUCATION

LOYOLA LAW SCHOOL, Los Angeles, California

Juris Doctor, Class Rank:

- Select Honors: Presidential Scholar (full tuition scholarship); Dean's Service Award (graduation award), Eugene Escallier Foreign Study Award (funding foreign research on German Constitutional History).
- Moot Court: Giles Rich Sutherland Moot Court Competition, Member 2004.

BAR ADMISSIONS AND AFFILIATIONS

Texas (2009, inactive), Oregon (2005, inactive), U.S. Court of Appeals for the Armed Forces (2006), Energy Bar Association

Environmental Protection Agency All Applicant Data Report

Announcement Number: CI-R5-OT-2011-0007

Position Title: Attorney - Advisor, GS-0905-11/12

Name: LE'ORA P TYREE



Core Questions

1. Are you a vet who was separated from the armed forces under honorable conditions after completing an initial continuous tour of duty of 3 years (may have been released just short of 3 years)?

Answer:



2.Are you a current Federal employee?

Answer:

- 2. No
- 3.If you are a current Federal employee, by what agency and organization are you employed?

Answer:

- Not applicable
- 6.If you are a Federal employee, under what type of appointment are you currently serving?

Answer:

- 9. Not applicable
- 7.Are you a student appointee under the Student Career Experience Program who has completed all requirements for graduation and conversion under the SCEP appointing authority and is in the 120 day period for conversion to term, career or career-

Environmental Protection Agency All Applicant Data Report

Announcement Number: CI-R5-OT-2011-0007

Position Title: Attorney - Advisor, GS-0905-11/12

conditional appointment?

Answer:

2. No

8. If you are NOT currently serving in the competitive service as a permanent career or career conditional Federal employee, are you eligible for reinstatement based on career or career-conditional Federal status in the competitive service?

Answer:

- 3. Not Applicable
- 9. If you are, or ever were, a Federal civilian employee, please indicate pay plan of the highest graded position you held:

Answer:

- 5. Not applicable
- 10. If you selected "Other", please enter the Pay Plan.

Answer: NA

11. If you are, or ever were, a Federal civilian employee, please indicate the highest permanent grade level you held:

Answer: NA

12.If you are, or ever were, a Federal civilian employee, please indicate the dates of the highest graded position you held on a permanent basis (from: MM-YYYY to MM-YYYY or from: MM-YYYY to present).

Answer: NA

- 13. If you are, or were, a Federal employee who held a permanent position in the competitive service, what is the highest full performance level of that position? Answer: NA
- 14. If you are, or ever were, a Federal civilian employee, have you ever served on a temporary promotion?

Answer:

2. No

15. If you have served on a temporary promotion, what was your position title, series and grade?

Answer: NA

16. If you have served on a temporary promotion, what was the length of time served (MM-YYYY to MM-YYYY)?

Answer: NA

Environmental Protection Agency All Applicant Data Report

Announcement Number: CI-R5-OT-2011-0007

Position Title: Attorney - Advisor, GS-0905-11/12

17. May we contact your current supervisor for a reference?

Answer:

- 3. Please contact me first
- 18. Does the Environmental Protection Agency employ any member of your family? Answer:
- 2. No
- 19. If yes to Question 18, please provide the name, relationship, organization in which employed, and location of your family member(s) employed by the Environmental Protection Agency.

Answer: NA

20. If you are a male at least 18 years of age, born after December 31, 1959, have you registered with the Selective Service System?

Answer:

- 3. Not Applicable
- 21. If you are a male at least 18 years of age, born after December 31, 1959 AND you have NOT registered with the Selective Service System, do you have an approved exemption?

Answer:

- 3. Not Applicable
- 22. Are you a retiree receiving a Federal annuity, either military or civilian? Answer:
- 2. No
- 23. Have you accepted a buyout from a Federal agency within the past 5 years? Answer:
- 2. No
- 24. Are you eligible for noncompetitive appointment under a Special Appointing Authority?

Answer:

2. No

26.Do you have certification by your State Department of Vocational Services, or the Vocational Rehabilitation and Employment Service of the U.S. Department of Veterans' Affairs, rendering you eligible for the Federal Employment Program for Persons with Disabilities?

Answer: -

Environmental Protection Agency All Applicant Data Report

Announcement Number: CI-R5-OT-2011-0007

Position Title: Attorney - Advisor, GS-0905-11/12

3. Not Applicable

27.Displaced employee information:

Answer:

3. I am not a displaced employee from a Federal Agency.

Assessment Questions

What locations do you wish to apply to? Chicago Metro Area, IL

What Grades do you wish to apply to?

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All Grades

1.Please look at the qualification requirements (both experience and/or education) that are stated in this vacancy announcement. Does your resume clearly contain this information in order to determine you are qualified for the position?

Answer:

- 1. Yes
- 2. For each position listed on your resume, did you include the position title, company, salary, weekly hours worked, and your actual beginning and ending dates of employment?
 Answer:
- 1. Yes
- 3. Have you reviewed the vacancy announcement "How to Apply" and required documents section to determine what supplemental material that you must provide?

Answer:

- 1. Yes
- 4. Where did you learn about this EPA Position?

Answer:

- 6. Referral from a friend or family member
- 5.I certify, to the best of my knowledge and belief, all the information in this application is true, correct, and provided in good faith. I understand if I make an intentional false statement, or commit deception or fraud in this application, or in any document or interview associated, I may be fined or imprisoned, denied employment, or removed and debarred from Federal service. That any info I give may be investigated. By responding No to this item I will not be considered for this position.

Environmental Protection Agency All Applicant Data Report

Announcement Number: CI-R5-OT-2011-0007

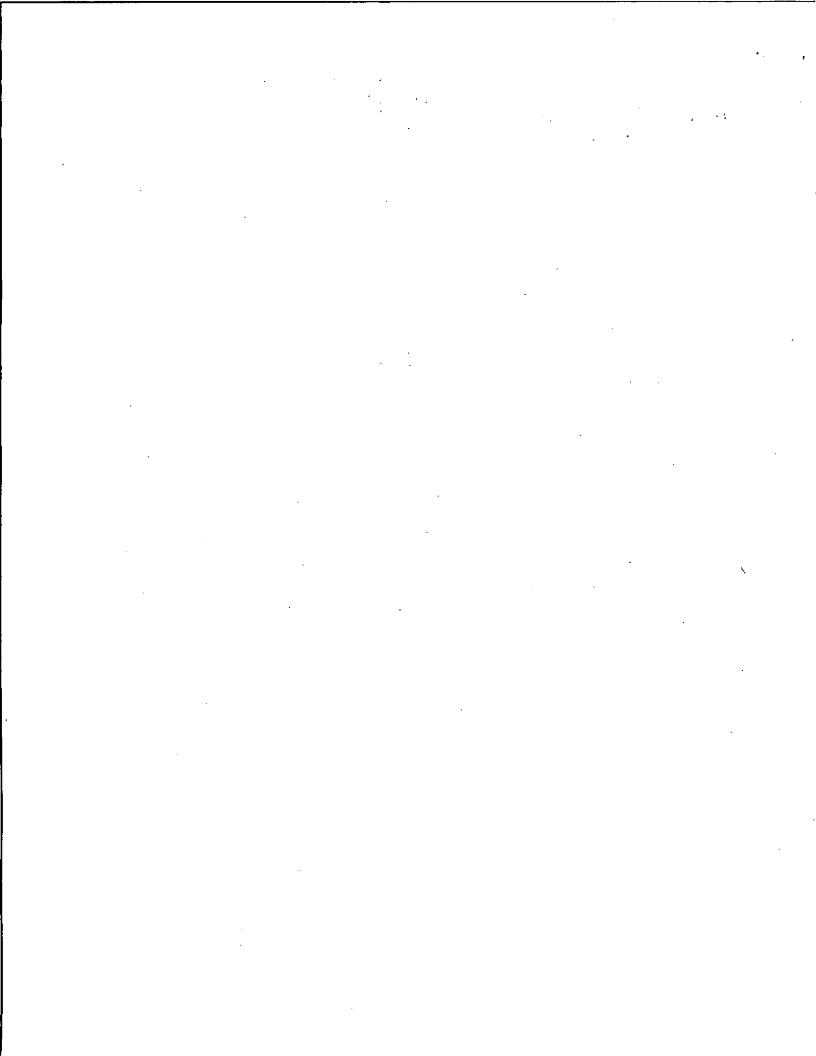
Position Title: Attorney - Advisor, GS-0905-11/12

Answer:

1. Yes, I certify that the information provided in this questionnaire is true, correct and provided in good faith, and I understand the information provided above.

Resume

Resume was uploaded - please review the uploaded document



Leora Tyree

PERSONAL STATEMENT

To work for the government is a taxing and seffless endeavor that requires passion, not only for the work, but for being a servant to the people. For over four years I have defended the City of Chicago (the City) against labor grievances, hitigated high value federal lawsuits and participated in the implementation of groundbreaking policies. My personal and professional experience has solidified my commitment to public service, and in particular to the vital mission of the Environmental Protection Agency (EPA). I would appreciate the apportunity to contribute to that mission by utilizing my experience in litigation and labor law.

I have extensive litigation experience that will allow me to manage a reasonable case load with minimal supervision. Currently, I have a suphisticated practice defending the City and its employees against claims of employment discrimination, unconstitutional policies and miscorduct. Civil litigation has provided me with an indepth understanding of various federal employment and labor laws. Being an effective hidgator requires me to conduct logal research, collect and analyze data, propound and answer discovery, depose witnesses and work closely with citizens, public officials and other interested parties to achieve a successful outcome for my elients. The estimination is my work ends with mution practice, settlement negotiations or trial.

To date, I have been a member of five federal trial fearns and resolved manerous disputes through settlement and seminary judgment, which has saved the City militions of dollars in litigation costs and potential liability. In 2010 alone, I had three significant victories. First, a federal judge dismissed a lawseit based on our motion for summary judgment. This victory was especially important because, in addition to saving the City of Chicago millions in damages, it could have opened the door to future litigation on the same issue. The above memioned case was particularly difficult because it involved complicated issues of law with no precedent in our favor. In the second victory, at trial a federal jury found both of my estents not liable on all charges in a case valued at haif a million dollars. After my success at trial, another judge granted my clients summary judgment in a case where damages were valued at \$2.5 million dollars. Additionally, I have successfully represented the City in claims with the liqual fimployment Opportunity Commission (EEOC) and the Illinois Department of Human Rights (IDER).

As a seasoned labor altoracy, I am able to achieve favorable results while working against some of the toughest national and local unions. Recently, I saved tax-payers thousand of delians by settling a union grievance in which 30 union workers were zest paid oversime for a three week period. Without a contractual basis for logal argument and unfavorable past practices by management. I was able to negotiate a settlement were the City paid nearly half the amount of money actually used. Further, I have gained comprehensive compliance experience, that has afforded me with an understanding of budgets, procurement and the grant process.

My legal experience has been diverse and hands-on. Overall, the EPA, Region 5 office will be obtaining an experienced negotiator and higator with a knack for handling complex legal issues. And a compliance professional that is able to manage all the duties that the job requires, professionally and with case. To know that my work contributes to a more ethical and compliant workplace and a safer society facis my passion for government work. It welcome the apportunity to become the newest member of your team, and I look forward to bringing my legal skilly the linvirunnental Protection Agency.

Date: February 10, 2011

Submitted by:

*isl*icora Pyrce LEORA TYREE

Leora Tyree

PERSONNEL INFORMATION:

Previous Federal Civil Employee: No

BAR MEMBERSHIP:

Illinois State Bar, May 2006 Federal Bar, Northern District of Illinois, May 2008

OBJECTIVE:

Job Title: Attorney

Agency: Environmental Protection Agency

Job Announcement Number: C1-RS-OT-2011-0007

Series & Grade: GS-0905-11/12

PROFESSIONAL PROFILE:

A talented and highly motivated attorney who has four years of experience in labor law, employment discrimination law, employment litigation, federal civil rights litigation, compliance law and complex civil litigation. An experienced trial attorney who has tried cases in front of federal juries, arbitrators and administrative bodies. A competent litigator who has researched, analyzed and drafted intricate time-intensive legal briefs and memoranda. A compliance professional that is knowledgeable about procurement, budgeting and the grant process. A team-conscious individual who is versatile and capable of working in groups but who also has the legal knowledge, skills and abilities to manage difficult tasks and work independently.

LEGAL EXPERIENCE:

City of Chicago Department of Law Federal Civil Rights Litigation Division Employment and Policy Litigation Division 30 North LaSalle Street, Suite 900, Chicago, IL 60602 Assistant Corporation Counsel
April 2008 - present
Hours Worked: 40-60 hours/week
Salary:

Defended the City of Chicago against union grievances that alleged violations of collective bargaining agreements. Litigated discrimination claims filed with the Equal Employment Opportunity Commission (EEOC) and the Illinois Department of Human Rights (IDHR). Managed a federal civil litigation practice defending the City of Chicago and individual agents in federal civil rights and employment discrimination lawsuits filed under the United States Constitution, Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. § 1983, 42 U.S.C. § 1981, 42 U.S.C. § 2000e, as amended by the Civil Rights Act of 1991 and 42 U.S.C. § 1981. Litigated cases involving violations of the Fourth, Eighth and Fourteenth Amendments of the United States Constitution. Tried cases in federal court and before administrative bodies.

SKILLS AND ABILITIES:

- Trial Experience: Conducted all facets of pre-trial, trial, and post-trial litigation. Drafted pre-trial and post-trial briefs, participated in pre-trial conferences, drafted and argued motions in limine, prepared jury instructions, exhibit lists and witness lists. Prepared clients and witnesses for trial testimony. At trial, assisted in the jury selection process regarding "for cause" and peremptory strikes of potential jurors, prepared and delivered an opening statement. Prepared and conducted direct and cross-examination of witnesses.
- Oral Communication and Advocacy: Argued discovery disputes, motions to dismiss and motions for summary judgment in federal court. Participated in settlement conferences conducted by federal judges and engaged in settlement negotiations with opposing counsel.

- Research, Analytical, and Writing Skills: Researched case law to determine the likelihood of success in pending litigation. Drafted complex and fact-intensive motions for summary judgment and motions to dismiss, including memorandums of law and a statement of facts. Prepared detailed and comprehensive settlement memoranda which analyzed the risks, strengths and weaknesses of a case. Drafted and responded to written discovery, including interrogatories, request for production, requests to admit, motions to compel, motions to strike and motions to quash.
- Complex Litigation Experience: Experienced at handling large-scale and complex litigation with multiple
 defendants and plaintiffs. Handled written discovery and issues involving claims of confidentiality and
 privilege. Defended depositions of City of Chicago agents, high ranking officials and Federal Rule of Civil
 Procedure 30(b)(6) Corporate Witnesses. Deposed plaintiffs and witnesses.
- Experience Representing High Ranking Officials: Represented high profile and high ranking City officials in difficult, stressful and time-sensitive matters. Skilled at representing defendants and witnesses whose testimony could bind the City of Chicago in future litigation.

KEY ACCOMPLISHMENTS:

- Johnson v. Herrera, 09 cv 1273: Obtained a verdict of not liable on all claims in a federal jury trial valued at half a million dollars. Participated in all aspects of the trial, including presenting the opening statement and examining witnesses.
- Pulliam v. City, 08 cv 7318: Won summary judgment on a wrongful death case valued at over \$2 million dollars.
- Billups v. City, 08 cv 3345: Defeated Plaintiff in a motion to dismiss 11 Chicago Police Officers as defendants
 and barred Plaintiff from claiming damages valued at over \$2.5 million dollars. Ultimately won summary
 judgment on all claims.
- Arbitrations: Represented the City of Chicago in union disputes regarding emergency labor due to
 unprecedented weather conditions. The resulting settlement saved the City thousands in wage claims made by
 union members.

City of Chicago Office of Compliance Workforce Compliance Division 33 South State, Ste. 560, Chicago, IL 60602

Assistant Compliance Officer September 2006 – April 2008 Hours Worked: 40-60 hours/week Salary:

Developed and enforced anti-discrimination policies for the City of Chicago in compliance with Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), the Family Medical Leave Act (FMLA), the Age Discrimination in Employment Act (ADEA), 42 U.S.C. § 1983, 42 U.S.C. § 1981, and the Illinois Human Rights Act (IHRA). Conducted investigations for charges filed with the EEOC. Executed departmental audits, collected and analyzed data, identified discriminatory trends and non-compliant processes, wrote detailed summary report with opinions and recommendations for policy changes and/or employee discipline. Monitored the execution of recommended resolutions. Trained a diverse workforce on sensitive policy issues and participated in community outreach programs.

SKILLS AND ABILITIES:

- Counseling and Training: Counseled City of Chicago department representatives and individually named agents regarding various employment, labor, and personnel matters including, compliance with federal anti-discrimination statutes and state civil rights laws. Maintained and nurtured relationships providing complainants, respondents and union representatives with thorough follow-ups on new developments in the pending dispute. Educated departmental representatives on new legislation and case law. Engaged in extensive communication with all parties including conducting initial interview to explain the dispute process. Developed training for over 35,000 employees and agents. Provided specialized trainings to individuals and groups ranging from 1 to over 300 people per session.
- Research and Analytical Skills: Researched labor and employment case law to assess the validity of policies
 and sufficiency of recommendations.
- Management and Leadership: Supervised and trained new attorneys and law clerks. Reviewed and edited summary reports written by attorneys. Lead a team of 2-3 trainers.

KEY ACCOMPLISHMENTS:

- Achieved 100% win rate in IDHR, EEO and other administrative hearings that involved recommended actions.
- Assisted in the procurement of the City of Chicago's Compliance Hotline, which serves 35,000 City employees
 and the community at large.
- · Assisted in a large scale audit of "at risk" departments' policies and recommended resolutions.

Contract Attorney 33 N. Dearborn, Stc. 300 Chicago, IL and Baltimore, MD Compliance and Trial Attorney Feb. 2005-Aug. 2005 Hours Worked: 40-60 hours/week Wage:

Responded to EEOC charges, conducted investigations, resolved personnel disputes, developed policies and procedures, conducted mediations and employee counseling for small corporations. Represented individual litigants in workers' compensation claims, unemployment benefits disputes and tort claims. Litigated contract and tort disputes for a small law office. Assisted not for profit organizations with management, incorporation, locating and obtaining grants and creating annual budgets.

Professors William "Sandy" Boyd and Richard Koontz University of Iowa College of Law, Non profit Center 130 Grand Avenue Court Iowa City, IA 52242 Research Assistant Aug. 2004- Aug. 2005 Hours Worked: 10-15 hours/week Wage:

Researched and wrote memoranda regarding national and international cultural property rights, the Native American Grave Protection Act (NAGPRA) and Indian Law. Provided general legal advice to non-profit corporations regarding governance, contracts, management, compliance and policy development. Researched, edited, and wrote sections of *The Iowa Principles and Practices for Charitable Nonprofit Excellence*, for publishing. Authored a comprehensive policy paper on the history of non-profit organizations' tax treatment under the Iowa Tax Code and Internal Revenue Code section 501(c)(3). Researched legislative issues regarding officer and director fiduciary duties, corporate governance, management, regulatory compliance and charitable gift giving.

PROFESSIONAL EXPERIENCE:



EDUCATION:

University of Iowa College of Law Iowa City, IA Juris Doctor, Dec. 2005 GPA: 73 of 85/B+ Study Abroad: L'Universite de Bordeaux, Arcachon, France, 2004 Honors/Activities:

Iowa Law Review, Vol. 90

Legal Freshman Fellow

Legal Foundation Fellow

Black Law Students Association, Treasurer Black Law Students Association, Chair



Honors/Activites:
National Honors Society
National Latin (Language) Honors Society
Varsity Soccer (Captain)
Debate (Captain, various awards)
Mock Trial (Outstanding Attorney)

JOB-RELATED TRAINING/CONTINUING LEGAL EDUCATION:

The History and Practice of Labor Law
Intro to Employment Litigation
New FMLA Regulations
Litigating ADA and Reasonable Accommodation
Constitution Law for Defense Attorneys
Ethics for Governmental Employees
Federal Summary Judgment Training
Investigating EEO Complaints
Client Counseling and Ethics
Litigating Monell Claims
Legal Ethics for Trial Lawyers
Conducting Risk Assessments

Conducting Interviews and Writing Position Statements
Advanced Employment Litigation
Intro to Negotiation Theory and Practice
The Road to Defending a Client Deposition.
Medicare Guidelines and Procedures
Constitution Law for Defense Attorneys
Aggressive Negotiation
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Writing Sample

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

LEA CUNNINGHAM and ANTHONY ROBINSON,)	
Plaintiffs,)	·
v.)	Case No. 10-cv-2997
PATRICK JOHNSON, Star No. 20637, JAMES DAVIS, Star No. 17108, DALE)	Judge Elaine E. Bucklo
CARIDINE, JR., Star No. 13333, UNKNOWN AND UNNAMED OFFICERS, and CITY OF CHICAGO,)	Magistrate Judge Michael T. Mason
Defendants.)))	·

DEFENDANTS' REPLY IN SUPPORT OF THEIR MOTION FOR ENTRY OF A PROTECTIVE ORDER

Defendants Patrick Johnson, James Davis, Dale Caridine, Jr., and City of Chicago (collectively, "Defendants") respectfully submit this reply in support of their Motion for Entry of a Protective Order (ECF No. 19).

INTRODUCTION

Plaintiffs Lea Cunningham and Anthony Robinson (collectively, "Plaintiffs") sued the Defendants with various civil rights and state law claims arising from an alleged violation of their constitutional rights. (See Pls.' First Am. Compl. (ECF No. 13).)

On October 7, 2010, after the parties reached an impasse on a proposed protective order,

Defendants sought entry of a protective order under Rule 26(c) of the Federal Rules of Civil Procedure.

(See Defs.' Mot. ¶¶ 1-5.) The proposed protective order identifies confidential information sought and produced in this action and specifies terms of production. (Id. ¶¶ 1, 3.) It specifically encompasses

"Complaint Registers" ("CRs"), which contain information about Defendants, Plaintiffs, and nonparties,

including personnel files, disciplinary documents, personal identifiers, financial information and, possibly, medical information. (*Id.* ¶ 1.)

The impasse and basis of the motion stem from this Court's routine findings that CRs are properly designated confidential under Rule 26(c), applying statutory protections. (Id. ¶ 2–4). Indeed, Plaintiffs have objected solely to the portion of the sought protective order designating the "citizen complaints confidential." (Pls.' Resp. 3 (ECF No. 23).). Plaintiffs argue that "good cause" under Rule 26(c) does not exist beyond one aspect of one provision of the Freedom of Information Act ("FOIA"), 5 Ill. Comp. Stat. Ann. 140/1 et seq. (West 2010), or under any aspect of the Personnel Record Review Act ("PRRA"), 820 Ill. Comp. Stat. Ann. 40/1 et seq.¹ As set forth below, Plaintiffs' argument is illusory, and the proposed protective order must be entered encompassing the CRs.

I. THE FREEDOM OF INFORMATION ACT PROVIDES "GOOD CAUSE" UNDER RULE 26(C) TO ENTER A PROTECTIVE ORDER ENCOMPASSING THE CRS.

Foremost, Plaintiffs argue the FOIA provides "good cause" for Rule 26(c) to enter a protective order encompassing the CRs' "private information." (See Pls.' Resp. 2.) Specifically, Plaintiffs argue that the FOIA does not support "good cause . . . beyond the private information, as defined above," citing 5 Ill. Comp. Stat. Ann. 140/2(c-5). (Pls.' Resp. 2.)² To oppose broader protection under the FOIA, Plaintiffs arrange a red herring fallacy and undeveloped public policy argument. Because both arguments are illusory, the proposed protective order must be entered with the FOIA providing "good cause" under Rule 26(c) to encompass the CRs.

In their response, Plaintiffs do not argue against Rule 3.6 of the Illinois Supreme Court Rules of Professional Conduct and Local Rule 83.53.6 of the United States District Court for the Northern District of Illinois, both restricting "extrajudicial statement[s]."

² Under the FOIA, exemption of "private information" concerns all people—everyday citizens and city employees, alike. 5 Ill. Comp. Stat. Ann. 140/7(1)(b); id. at 2(c-5).

A. Despite Plaintiffs' Red Herring Fallacy, the Freedom of Information Act Provides "Good Cause" under Rule 26(c) to Enter a Protective Order Encompassing the CRs.

The FOIA provides "good cause" under Rule 26(c) to enter a protective order encompassing the CRs, despite Plaintiffs' red herring fallacy. (See Pls.' Resp. 2-3.) That is, Plaintiffs argue against one chosen provision of the FOIA—while failing to address the 2010 amendments of the FOIA or this Court's decisions applying the amendments. Id.³

The Illinois legislature amended the FOIA, effective January 1, 2010, to make the following "exempt from disclosure":

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

5 Ill. Comp. Stat. Ann. 140/7(1)(n). "It is a common rule of statutory construction that when the plain language of a statute is clear, courts need look no farther than those words in interpreting the statute." Gildon v. Bowen, 384 F.3d 883, 886 (7th Cir. 2004) (citation omitted).

Consequently, this Court has routinely found the plain language of subsection 7(1)(n) of the FOIA supports a protective order encompassing the CRs. E.g., Bell v. City of Chicago, 09-cv-0754, 2010 WL 753297, at *2 (N.D. Ill. Feb. 26, 2010) ("Thus, under the plain language of the newly amended FOIA, CRs are exempted from disclosure, and the Court need not engage in any additional analysis to determine whether they are entitled to protection from disclosure under the Illinois FOIA."); Alva vs. City of Chicago, 08-cv-6261, slip op. at 4 (N.D. Ill. Apr. 16, 2010) ("In sum, based on the plain language of the recent FOIA amendment, the CRs are exempted from public disclosure unless discipline was imposed. . . .

³ Conspicuously, Plaintiffs cite *only* decisions from 2005 to 2009, choosing to present earlier decisions and "respectfully submit[] that this Court should follow these judges' reasoning." (Pls.' Resp. 3.) But these decisions were reasoned before the FOIA amendments of 2010. For instance, *Bond v. Utreras*, No. 04-cv-2617, 2007 WL 2003085 (N.D. Ill. July 2, 2007), *rev'd*, 585 F.3d 1061 (7th Cir. 2009), and *Gekas v. Williamson*, 912 N.E.2d 347, 393 Ill. App. 3d 573 (Ill. App. Ct. 4th Dist. 2009), construed *only one* exemption of the FOIA in 2007, which was 5 Ill. Comp. Stat. Ann. 140/7(1)(b) (West 2009) and which is now 5 Ill. Comp. Stat. Ann. 140/7(1)(c) (West 2010).

The Court is not inclined to disregard that legislative determination, thus concludes that CRs are exempt from disclosure to the extent set forth in Section 140/7(1)(n)."); Livingston v. McDevitt, 09-cv-7725, slip. op. at 3 (N.D. III. May 10, 2010) ("[T]he plain language of the statute includes documents in a CR or disciplinary file because they 'relate to' a public body's adjudications."); Clark v. City of Chicago, 10-cv-01803, slip op. at 2 (N.D. III. Oct. 13, 2010) ("We agree that since the CR files are an integral part of the disciplinary process, the CR files should be considered records relating to an adjudication of disciplinary cases and thus they are subject to a protective order. This holding is consistent with the plain language of 5 III. Comp. Stat. Ann. 140/7(1)(n).").

Therefore, the FOIA provides "good cause" under Rule 26(c) to enter a protective order encompassing the CRs, despite Plaintiffs' red herring fallacy.

B. Despite Plaintiffs' Illusory Public Policy Argument, the Freedom of Information Act Provides "Good Cause" under Rule 26(c) to Enter a Protective Order Encompassing the CRs.

The FOIA also provides "good cause" under Rule 26(c) to enter a protective order encompassing the CRs, despite Plaintiffs' illusory public policy argument. Pls.' Resp. 2–3. In particular, Plaintiffs argue that "[t]he public's interest in transparency outweighs the officers' privacy interest." (Id.) Plaintiffs' argument is illusory because: 1) the "public's interest in transparency" was deliberately weighed by the political branch of government, the Illinois legislature; 2) the "public's interest in transparency" was found outweighed by competing interests; and 3) the "public's interest in transparency" is addressed legislatively—not by public dissemination of private pretrial discovery.

⁴ Plaintiffs' quotation that the "information . . . has a distinct public character, as it relates to the defendant officers' performance of their official duties," (Pls.' Resp. 3), is an argument to interpret a subsection of the FOIA. The subsection exempting information for an "invasion of personal privacy" had a proviso for "information that bears on the public duties of public employees." 5 Ill. Comp. Stat. Ann. 140/7(1)(b) (West 2009); accord Bond, 2007 WL 2003085, at *2, rev'd, 585 F.3d 1061 (interpreting subsec. 7(1)(b) of the FOIA).

First, the Illinois legislature "declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information . . . consistent with the terms of [the FOIA]." 5 Ill. Comp. Stat. Ann. 140/1 (emphasis added). And the Illinois legislature enacted "limited exceptions," authorizing "[r]estraints on access to information." Id.; see also id. ("This Act is not intended . . . to disrupt the duly-undertaken work of any public body."). These legislatively-authorized "[r]estraints on access to information" were enacted in the provisions of the FOIA. Id. at 140/7(1); see supra at 3-4 (collecting this Court's recent decisions on the deference owed to the Illinois legislature's determination in the FOIA).

Indeed, the Illinois legislature enacted specific statutes to serve what Plaintiffs call the "public's interest in transparency." Accord 65 Ill. Comp. Stat. Ann. 5/10-1-18 (municipalities with population of 500,000 or less); id. at 10-1-18.1 (municipalities with population of more than 500,000). In the Illinois Municipal Code, the Illinois legislature requires municipalities to "publish a status report on its investigations of allegations of unreasonable force" annually with specific information. Id. at 10-1-18, 10-1-18.1. Therefore, Plaintiffs' public policy argument is illusory because the Illinois legislature, the political branch of government, has deliberately weighed the "public's interest in transparency" with specific statutory enactments in the FOIA, 5 Ill. Comp. Stat. Ann. 140/1 et seq., and the Illinois Municipal Code, 65 Ill. Comp. Stat. Ann. 5/10-1-18, 10-1-18.1.

Second, the Illinois legislature found the "public's interest in transparency" was outweighed by competing interests. *Accord* 5 Ill. Comp. Stat. Ann. 140/1; *id.* at 7(1); 65 Ill. Comp. Stat. Ann. 5/10-1-18, 10-1-18.1. As discussed above, the Illinois legislature enacted "limited exceptions" in the FOIA, authorizing "[r]estraints on access to information" and imbuing confidentiality to the CRs. 5 Ill. Comp.

⁵ Accord Chicago Police Department, 2008 Annual Report, at 72, available at https://portal.chicagopolice.org/portal/page/portal/ClearPath/News/Statistical%20Reports/Annual%20Reports/2008%20Annual%20Reports/08AR.pdf (last accessed Nov. 18, 2010) (publishing its status report).

Stat. Ann. 140/1, 7(1)(n); see supra at 3-4 (collecting this Court's recent decisions on the confidentiality owed to CRs under the FOIA).

Likewise, the Illinois legislature declared "information underlying . . . status reports [on investigations of allegations of unreasonable force] shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the [FOIA]." 65 Ill. Comp. Stat. Ann. 5/10-1-18, 10-1-18.1.6 The Illinois legislature declaimed "status reports shall not disclose the identity of any witness or victim, nor shall they disclose the identity of any police officer who is the subject of an allegation of unreasonable force against whom a charge has not been filed." *Id.* at 10-1-18, 10-1-18.1. Therefore, Plaintiffs' public policy argument is illusory because the Illinois legislature—the political branch of government—has specifically found the "public's interest in transparency" outweighed by competing interests.

Third and finally, the "public's interest in transparency" is addressed legislatively—not by public dissemination of private pretrial discovery. See Bond v. Utreras, 585 F.3d 1061, 1076 n.10 (7th Cir. 2009); see also United States ex rel. Chandler v. Cook County, 277 F.3d 969, 981 (7th Cir. 2002)

("[O]rder implicates regulations protecting the confidentiality and integrity of federally-funded substance abuse programs"; release of "records would cause serious harm to those patients' privacy rights and to the federal programs protected by a comprehensive regulatory scheme.").

In addressing the CRs and their confidentiality, *Bond* first admonished that "[u]nfiled discovery is private, not public." *Bond*, 585 F.3d at 1066; *accord Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 33 (1984) ("[P]retrial depositions and interrogatories are not public components of a civil trial."). *Bond*

⁶ Defendants are not introducing a new argument, stating only a presumption of statutory consistency exists between the FOIA and the Illinois Municipal Code. That is, the referential phrase "as provided under Section 7 of the Freedom of Information Act" makes clear the "information" is "exempt." 65 Ill. Comp. Stat. Ann. 5/10-1-18, 10-1-18.1. Separately, the "information" is "confidential," as provided in the Illinois Municipal Code and without reference to the FOIA. *Id.* at 10-1-18, 10-1-18.1; see generally Singer and Singer, 2A Sutherland Statutes and Statutory Construction § 47:33 (7th ed. 2010) (explaining the rule of the last antecedent).

overturned the district court's finding of "a freestanding public right of access to unfiled discovery" and then added:

[Appellee] has not sought access to the documents under the Illinois Freedom of Information Act... presumably on the assumption that they are exempt.... Even if he had, it would not make a difference. The protective order does not interfere with [appellee's] ability to try and obtain the documents he seeks directly from the City under the Illinois FOIA....
[N]othing in the protective order here prohibits the City from disclosing any of its police department records to the public upon request.

Bond, 585 F.3d at 1076 n.10; accord Seattle Times Co., 467 U.S. at 37 (A valid protective order "does not restrict the dissemination of the information if gained from other sources.").

In fact, this Court has routinely rejected Plaintiffs' argument, finding the "public's interest in transparency" is addressed legislatively. *E.g.*, *Bell*, 2010 WL 753297, at *3 ("While the Plaintiff's argument that the public has a vital interest in the disclosure of these records is eloquent, accepting Plaintiff's position would provide the public access to documents that the Illinois legislature has seen fit to protect, simply because a lawsuit has been filed."); *Bradley v. Parker*, 09-cv-4538, slip. op. at 2 (N.D. Ill. July 29, 2010) ("If Bradley desires to monitor public servants in his role as a member of the public, and to obtain information for 'the citizens of Chicago,' . . . the instant action is not the proper forum in which to do so. Whether a concerned member of the public can access a CR pursuant to FOIA or other statute is not the issue before this court.").

In this action, Plaintiffs seek to prove—with the aid of private pretrial discovery—their civil rights were violated. (See Pls.' First Am. Compl.) Separately, to address "public's interest in transparency," Plaintiffs may seek information through the FOIA, bring an action challenging the FOIA or a response under the FOIA or move the Illinois legislature and its legislation democratically. But this action is not

about the political question of the "public's interest in transparency." Thus, Plaintiffs' public policy argument is illusory because the "public's interest in transparency" is addressed legislatively—not by public dissemination of private pretrial discovery.

In sum, the FOIA provides "good cause" under Rule 26(c) to enter a protective order encompassing the CRs, despite Plaintiffs' illusory public policy argument because: 1) the "public's interest in transparency" was deliberately weighed by the political branch of government, the Illinois legislature; 2) the "public's interest in transparency" was found outweighed by competing interests; and 3) the "public's interest in transparency" is addressed legislatively—not by public dissemination of private pretrial discovery.

II. THE PERSONNEL RECORD REVIEW ACT PROVIDES "GOOD CAUSE" UNDER RULE 26(C) TO ENTER A PROTECTIVE ORDER ENCOMPASSING THE CRS.

Plaintiffs argue that *no aspect* of the PPRA provides "good cause" under Rule 26(c). (Pls.' Resp. 1-2.) Contrary to Plaintiffs' one sentence argument, the PPRA provides "good cause" under Rule 26(c) to enter a protective order encompassing the CRs. See, e.g., Fed. R. Civ. Pro. 26(c)(1)(B).

The PPRA makes personnel records confidential "without written notice" of their divulgence. 820 III. Comp. Stat. Ann. 40/7. Specifically, "[a]n employer or former employer shall not divulge . . . other disciplinary action to a third party . . . without written notice." *Id.* at 7(1). "If an employer fails to abide by the [PPRA], an aggrieved employee may seek not only compliance but also sanctions against the employer through administrative, and in some cases, judicial channels." *Park v. City of Chicago*, 297 F.3d 606, 609 (7th Cir. 2002) (citing 820 III. Comp. Stat. Ann. 40/2, 12). Indeed, "[i]nformation prohibited from being disclosed by the Personnel Records Review Act" is also "exempt from inspection and copying" under the FOIA, which authorizes "[r]estraints on access to information." 5 III. Comp. Stat.

⁷ Cf. In re High Fructose Corn Syrup Antitrust Litig., 216 F.3d 621, 624 (7th Cir. 2000) (Rule 26(c) protects informational privacy "beyond what the plaintiffs require to prosecute their antitrust case effectively.").

Ann. 140/1, 7.5(q). Thus, the PPRA provides "good cause" under Rule 26(c) to enter a protective order encompassing the CRs with, at least, a notice requirement.

In their response, Plaintiffs first argue the PPRA does not support "good cause" under Rule 26(c) because the PPRA "is directed at personnel files only (not CR register documents)." (Pls.' Resp. 1.) The PPRA's plain language belies the argument because the PPRA states broadly "other disciplinary action." 820 III. Comp. Stat. Ann. 40/7(1). The breadth of "other disciplinary action" is clear under a presumption of statutory consistency; the PPRA concerns "personnel documents which are, have been or are intended to be used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action." Id. at 40/2. Plainly, the CRs "are, have been or are intended to be used in determining ... other disciplinary action." Id.; accord 5 III. Comp. Stat. Ann. 140/7.5(q) ("Information prohibited from being disclosed by the [PPRA]" is also "exempt from inspection and copying" under the FOIA.). Therefore, the PPRA provides "good cause" under Rule 26(c) to enter a protective order encompassing the CRs.

Second, Plaintiffs argue the PPRA does not support "good cause" under Rule 26(c) because the PPRA "excludes from its prohibited disclosures disciplinary actions 'ordered to a party in a legal action." (Pls.' Resp. 2.) Defendants, however, have not been "ordered" to produce the CRs. 820 III. Comp. Stat. Ann. 40/7(3)(b). Quite the opposite, Defendants have sought a protective order designating the CRs confidential. Therefore, the PPRA provides "good cause" under Rule 26(c) to enter a protective order encompassing the CRs.

⁸ "A provision that may seem ambiguous in isolation is often clarified by the remainder of the statutory scheme . . . because the same terminology is used elsewhere in a context that makes its meaning clear." *United Sav. Ass'n of Tex. v. Timbers of Inwood Forest Assocs.*, 484 U.S. 365, 371 (1988).

⁹ Additionally, a protective order under Rule 26(c) may "specify[] terms . . for the disclosure or discovery." Fed. R. Civ. Pro 26(c)(1)(B). If Defendants are "ordered" to produce the CRs within the terms of the PPRA, 820 Ill. Comp. Stat. Ann. 40/7(3)(b), the protective order would continue the privacy considerations of the PPRA. See Defs.' Mot. ¶ 3.

CONCLUSION

Defendants respectfully request this Court grant their Motion for Entry of a Protective Order (ECF No. 19) because "good cause" under Rule 26(c) of the Federal Rules of Procedure has been established.

Dated: November 15, 2010

Respectfully submitted,

By: /s/Leora Tyree

CERTIFICATE OF SERVICE

I hereby certify that I have caused true and correct copies of the above and foregoing to be served upon all parties of record pursuant to ECF; in accordance with the rules of electronic filing of documents, on this 15th day of November, 2010.

/s/ Leora Tyree

Recommendations



To whom it may concern:

I write today to recommend Letters Tyree in a professional capacity. Letter has worked mater my supervision for the past two and half years working on civil rights cases. The cases have ranged from reading, low-exposure cases to complex matters involving navel logal questions and exposure to potentially high damages.

Le'um shows good practical and legal judgement in any work with her. She has developed the skill of thicking forward at how an argument will play with a judge, or how evidence will play before a jury. Le'era has gutten into the useful, lawerly habit of checking her mosques from this perspective.

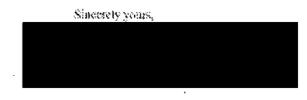
Le'era manages her casclossi very well. I have nover known her to can into difficulty handling the competing demands of the cases she handles exclusively and the cases where she is working on a lean of lawyers. From the perspective of a supervisor, Le'era is easy to work with, as I can depend on her to handle assignments. She has the admirable quality of being uncomfortable about working up to a deadline, and I have found size will finalize important work about of a filling that, thus avoiding any last minute securabling.

In seversi complex matters. Le'rom has weeked with me to complete sammary judgment motions which required insegration of large amounts of factual material with legal argument in a brief. I have found her assistance and contribution to these projects to be very useful. She has always sought to benefit by learning easharing lessons for haur practice from these assignments, so I have high experiations for her fature professional development.

Le ora's written work has trade great strides in her time bere. She can now buckle down and creak out a first-rate summary judgment motion that offers the judge a clear and perusasive argument.

I have tried one case with Le'ora. She shows great eightstass standing up before a jury and arguing a case, and has a their for trial work. For me, as an experienced trial tower, she's a pleasure to work working in a construction, and I believe justice watching has feel the same way.

If you have any Eigher questions for me, please contact use at the above email address.





To whom it may concerns

I am writing with great phrasers to recommend Ms. Lears Tyree for a position as an attorney with the Environmental Protection Agency. I worked with Ms. Tyree for these years to the City of Chicago's Curporation Counsel's Office and I take pride in recommending one of its most takened and skilled attorneys.

Ms. Tyree has a brilliant legal mind with a rare blend of analysical and interpersonal skills. In 2009, I briefly assisted Ms. Tyree on Sagramento v. Bissayeski, et al., 2007 C 4267. Sugramento van an employment litigation action alteging sexual harassment with a sentement denoral of \$300,000. Ms. Tyree represented the interest of the individual defendant in that matter and the negotiated a favorable settlement for \$45,000. This is only one example of Ms. Tyree's ability to manage a caseboad of high exposure and complex litigation while producing amusing results for her efects. Ms. Tyree is a neitiful at oral communication and her adventory is strong, effective, and produces results.

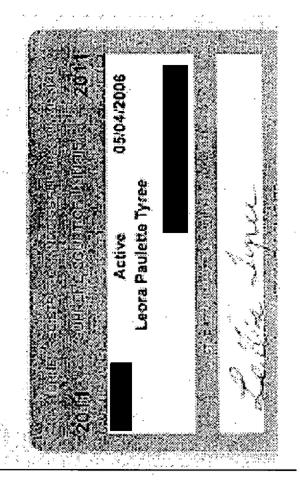
Additionally, Ms. Tyree's meticulars approach to the liferation process is exceptional. I was formate to experience Ms. Tyree's attention to detail and higgsion skills while we were co-concess on Ohan.s. City of Chanco, et al., 2009 C 3476. Ohan was a highly complex matter involving multiple phrintiffs and defendants alleging 42 LLS C. § 1983 civil rights violations. Ms. Tyree bandied boxelf well under constant medical practice and an improcessarily contentions apposing courset. Her legal research and writing shifts are next to none and she does not cook under the weight of complianted and time sensitive cours fillings.

Beside Ms. Tyrec's employment and folleral civil rights experience, I have been impressed with her initiative to take on additional work and voluntees for labor and employment assignments. Ms. Tyree participated in astrocrans grievance arbitration matters where she received many favorable settlements for the City of Chiengo.

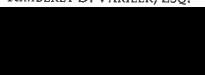
In constantion, Ms. Tyrce is unquestionably an exceptional condidate for the anomey position. She has proven herself to have the legal acumen and experience, and the intellectual creativity may say to serve as an atterney for the EPA. It would therefore highly recomment Ms. Tyrce. Has performance as an atterney with the Corporation Counsel's office is indicative of how she would perform in your office. I have no doubt that she would be an extramely positive asset to your organization.



Additional Materials



KIMBERLY D. VARILEK, ESO.



EXPERIENCE Eastern Shoshone Office of Attorney General

November 1, 2007 - Present

3 Ethete Rd., Ste. 21 Ft. Washakie, WY 82514

Attorney General

Responsible for building the EST OAG office after its 2007 establishment and working on all aspects of legal matters for Tribal government and Tribal enterprises, including, but not limited to supervising staff, leading litigation, document and agreement review, evaluating and creating policies, research, legislative and regulatory review, and advising both the EST Business Council and General Council on all legal issues pertaining to the Tribe's interests, positions, and matters. Issues include jurisdictional analysis, administrative opportunities and compliance from federal to tribal levels, economic and enterprise development, internal government processes and polices, environmental concerns, procedural matters, cultural rights, tribal law development, enrollment, election matters, Federal -Intertribal-State-County-Municipal interactions and common governmental administrative concerns, social service matters, fish and wildlife issues, and Treaty/Trust responsibility concerns.

Muhaisen & Muhaisen, LLC

September 2002- October 2007

Aurora, CO 80012

Associate/Member

Founding member of Muhaisen & Muhaisen, LLC, predominantly experienced in working directly with and represented both individuals and entities regarding legal matters consisting of corporate, business, & transactional matters, civil litigation, family law, mediation, negotiations, working with administrative agencies, employment law issues, appearing and representing parties from federal courts to municipal courts.

United States Bankruptcy Court

June 2002-September 2002

District of Colorado Denver, CO 80202

Interim Clerk

Worked directly with then-presiding Chief Justice Sydney Brooks regarding adversarial bankruptcy matters, including statutory relief, requests and designations, inter-courtroom assistance; drafting and reviewing reporting documents regarding legislation, governing statutes and local procedural rulings, review of pleadings and briefs and prepare advisory memos regarding Court issues.

Lottner Rubin Fishman Brown & Saul, P.C.

September 2000-June 2002

Denver, CO 80202

Law Clerk/Legal Assistant

Researched, reviewed, revised and drafted documentation and memorandum for all Senior Partners and Associates from corporate/business/entity/transactional realms, real estate, bankruptcy, and civil litigation issues; collaborated and coordinated with counsel and opposing counsel; performed due diligence; and, provided general legal assistance to both corporate and litigation departments.

EDUCATION University of Denver Sturm College of Law, Denver, CO - (I.D.)

1997-2000

LICENSES

PROFESSIONAL Colorado Supreme Court – Admitted February, 2003

In Good Standing

Wyoming Supreme Court - Admitted October 2008

In Good Standing

COURT Shoshone & Arapaho Tribal Court - Admitted December 2007

ADMISSIONS Colorado Supreme Court – Admitted February 2003

U.S. Federal District Court of Colorado - Admitted June 2003

Wyoming Supreme Court - Admitted October 2008

U.S. Federal District Court of Wyoming – Admitted October 2008
U.S. 10th Circuit Court of Appeals – Admitted November 2009

PROFESSIONAL Tribal In-House Counsel Association - Secretary

ASSOCIATIONS Fremont County Bar Association - member

American Bar Association - member

CLE Federal Bar Association, 38th Indian Law Conference, April 12, 2013: "The Shifting Vitality of Tribal

PRESENTATIONS Sovereign Immunity under Rule 19" - Panelist, presenting Rule 19 Issues within Northern Arapaho Tribe v.

Harnsberger,

Fremont County Bar Association - February 26, 2014: "Wind River Tribes' application to EPA for

Treatment as a State under the Clean Air Act" - Lead Panelist for Eastern Shoshone Tribe

PUBLISHED Northern Arangha Tri

COURT Northern Arapaho Tribe v. Harnsberger et al., 697 F.3d 1272 (10th Cir., 2012)

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Disciplinary & Disability History

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State Bar of Texas License # 24070798

EDUCATION

The University of Texas School of Law, Austin, TX

J.D. awarded May 2009; Texas International Law Journal; Summer staff (May – August 2007), TILJ Volume 43 Staff (August 2007 – May 2009)

- Mediation: Qualified through classroom training to practice mediation in Texas pursuant to the Texas ADR Act
- Asian Law Students Association; President (April 2008 May 2009), Mentor Relations Director (April 2007 April 2008):
- Asian Pacific Interest Society; Law School Co-Chair, organized the first Texas Asian law students' conference

LEGAL EXPERIENCE

Texas Commission in Environmental Quality, Austin, TX

UT Law Postgraduate Program intern with the Office of Legal Services, January 11, 2010 – March 19, 2010
Served as third chair for a RCRA tank waste case conducting document review, preparing discovery requests, and researching the Federal Register. Extensive research for hazardous waste and air issues under federal and Texas rules. Analyzed wastewater treatment facility. Prepared Rule 194 expert witness designation filings. Aided administrative litigation for petroleum storage enforcement case. Drafted response to Plea to Jurisdiction which ALJ cited in approving TCEQ's motion.

Texas Commission in Environmental Quality, Austin, TX

UT Law Long Program intern with the Office of Legal Services, August 17, 2009 - October 30, 2009

Performed extensive research and analyses of Texas's controlling environmental statutes and agency rules, including Texas Register and Federal Register research. Document review for joint-EPA federal court CERCLA suit. Researched and wrote memos on CERCLA, probate and property related issues, governmental immunity, and groundwater issues. Prepared witness questions and motions for State Office of Administrative Hearings cases. Attended public meeting concerning land application.

Texas Commission on Environmental Quality, Austin, TX

Mickey Leland intern with the Office of General Counsel, May 19 - August 5, 2008

Attended briefings advising the Commissioners on cases, and hearings on those disputes. Prepared and checked enforcement orders. Prepared and made recommendations on a petition for rulemaking that was approved. Researched and wrote memos on a variety of topics such as standing, authority of home-rule municipalities, and administrative law issues.

Bridges Across Borders, Phnom Penh, Cambodia

Legal Intern, May-August 2007

Researched Cambodian law on a variety of topics, and created and edited educator/learner manuals for teaching marginalized communities basic legal rights. Areas of law worked on include criminal, labor, HIV, and housing.

The Law Office of Riddhi Desai, J.D., Houston, TX

Legal Assistant, June-August 2005

Duties performed include: prepared immigration paperwork; researched criminal activity in the Houston area; prepared and filed various court documents; drafted a lawsuit petition for a personal injury claim; attended a deposition for a civil suit.

LANGUAGES AND INTERESTS

SCANNED

JOSH ZAHAROFF

EDUCATION

New York University School of Law, New York, New York

J.D., magna cum laude, May 2012

Honors:

Order of the Coif: awarded to graduates in the top 10% of their class

Vanderbilt Medal: awarded for outstanding contributions to the School of Law

Review of Law and Social Change, Staff Editor

Center for Environmental and Land Use Law Fellowship

Activities:

Research Assistant, Environmental Law and Policy casebook, Dean Richard Revesz Research Assistant, Law of Democracy casebook, Professor Samuel Issacharoff

Teaching Assistant, Torts, Professor Richard Stewart

Volunteer, Alternative Spring Break, Charlotte, NC: Public Defender's Office Policy Committee, Loan Repayment Assistance Program (LRAP) Working Group

Co-Chair, Public Interest Mentoring Program

EXPERIENCE

Environmental Law & Policy Center, Chicago, IL

Associate Attorney, 2013-present

Conduct legal and policy research, prepare memoranda, and draft public comments, motions, and briefs for a range of state and federal environmental issues. Major issue areas include: Great Lakes protection, coal ash contamination, Illinois groundwater protection, oil pipeline regulation, and public trust law.

Magistrate Judge Maria Valdez, U.S. District Court, N.D.I.L., Chicago, IL

Judicial Clerk, 2012-2013 term

Conducted legal research, prepared bench memoranda, and drafted opinions.

Administrative and Regulatory State Clinic, New York University, New York, NY

Student Advocate, September—December 2011

Drafted public comment to EPA in response to proposed New Source Performance Standards for greenhouse gas emissions, including intensive research and writing on both law and policy.

Environmental Protection Agency, Region 5, Chicago, IL

Legal Extern, Summer 2011

Researched and wrote memos on Clean Air Act, Clean Water Act, administrative law, and compliance orders. Reviewed state rules for compliance with federal regulations. Organized privilege log training.

Environmental Law Clinic, Natural Resources Defense Council (NRDC), New York, NY

Student Advocate, August-December 2010

Researched and wrote intensively on clean energy, appliance efficiency standards, and administrative law.

Legal Resources Centre, Cape Town, South Africa

Legal Intern, Summer 2010

Analyzed national environmental laws to develop litigation strategy against utility for failure to adhere to regulations. Drafted letter to Minister of Environmental Affairs and various background memos.

Common Cause, Washington, D.C.

Deputy Program Director, September 2006—July 2009

Created national campaign and organizational plans. Wrote op-eds and fact sheets on campaign finance reform and other election issues. Coordinated field and online grassroots efforts to support numerous top priority campaigns. Drafted fundraising proposals and donor reports.

Fund for Public Interest Research, Berkeley, California

Citizen Outreach Director, May—August 2004, May—August 2005

Ran campaigns for Environment California; raised over \$250,000 each summer; campaigns won \$3.2 billion in state funds for Million Solar Roofs program. Led teams of directors and forty canvass staff; managed budgets; coordinated additional campaign work including coalition, citizen, and media outreach.

ADDITIONAL INFORMATION:



Dear

I am a former summer extern and I am writing to apply for the Winter 2015 Honors Attorney Fellowship. I graduated from NYU School of Law in 2012, clerked for one year for the Honorable Maria Valdez, U.S. Magistrate Judge in the Northern District of Illinois, and currently work as an associate attorney at the Environmental Law & Policy Center (ELPC). With my deep commitment to environmental law, strong academic record, well-honed research and writing skills, and good humor, I believe I have a great deal to contribute to EPA.

My passion for environmental work dates back more than a decade, and my years of professional advocacy introduced me to air, water, and energy issues and taught me the importance of enforcement. For instance, while building coalition support in California for new investment in residential solar panels, I also led a team of staff organizers in opposing changes to the New Source Review rules that weakened restrictions on power plant emissions. (I later grappled with the new NSR rules as a summer extern at Region 5.) I moved to Common Cause to work on campaign finance reform, where I continued to learn campaign and people skills, but I also learned how a weak regulatory scheme can erode protections and public confidence: even before *Citizens United*, violations of campaign finance and election laws were widespread in part because of minimal enforcement by the FEC. While I have spent years trying to strengthen the laws on the books, I have also seen firsthand that enforcement is equally critical.

I developed my research and writing skills first as a law student working on a range of environmental law projects, and later as a judicial law clerk. As a student, I graduated in the top ten percent of my NYU class with magna cum laude honors. I studied environmental law with Dean Ricky Revesz, then worked as a research assistant on his casebook, updating the entire chapter on NEPA. I wrote a substantial paper on preemption of energy efficiency standards that was published last fall in the NYU Review of Law & Social Change. As a law clerk, I wrote the first draft of each order and opinion for the cases I handled for the judge, as well as researching issues that arose in her settlement conferences.

Whenever possible in law school, I sought out projects that would have a real world impact while adding to my repertoire as an environmental advocate. That brought me to Region 5, where I spent my 2L summer working primarily with Gary Prichard, Sabrina Argentieri, and Louise Gross. I also took two clinics, giving me the chance to write litigation-oriented memos for NRDC and a policy-oriented public comment on greenhouse gas emission standards, while spending my 1L summer at an NGO focusing on environmental justice. This work, combined with my clerkship and ELPC experience, should prepare me to jump right in at EPA.

As a law clerk and as an ELPC attorney, I have also learned the importance of making an impartial analysis of the strength of a case in order to find efficient ways to address a problem. For instance, in one of my first assignments at ELPC, I analyzed an Army Corps of Engineers dredge and fill permit for an oil pipeline. The permit seemed flawed in multiple respects, but ultimately I recommended that we should not challenge it because the facts and case law weighed heavily against us. But out of that research, I found that we could address the problem more broadly by challenging the permitting procedures themselves, and am now working to build a new case with a better chance of success. As a law clerk, I saw firsthand how a federal judge weighs the merits of an argument. My judge told me when

I began that most of what I would learn was what *not* to do as a lawyer, and she was right: I saw how often attorneys waste time and energy either by failing to focus on their best arguments in a case or, even more fundamentally, by failing to negotiate and resolve disputes without going into court in the first place. I would carry these lessons with me into the job of enforcing our federal environmental laws.

I came to law school with the hope that one day I could work at EPA, and I would be delighted to join the Region 5 ORC team. I have enclosed my resume and a list of references for your review. Should you wish to arrange an interview, or if I can provide any additional information, please contact me at the phone number or email address listed on my resume. I look forward to hearing from you.

Sincerely,

Josh Zaharoff